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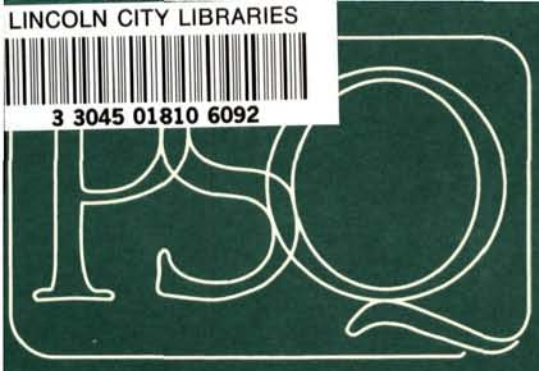

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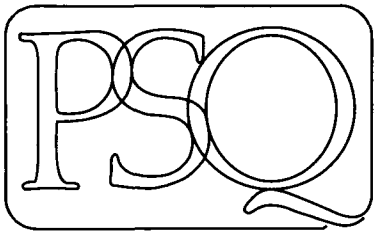

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From the Editor:

In this issue . . .

PAUL KUBICEK analyzes crucial cases of Russian-Western interaction after the cold war to determine whether foreign policy interests or domestic politics better explain Russian foreign policy. He argues that domestic politics has affected rhetoric much more than policy and that Russian policy responds predictably to constraints and opportunities in the international environment.

RICHARD M. PIOUS describes a paradoxical outcome of the Clinton impeachment: the president staved off personal catastrophe and inflicted political damage on his opponents, but did so at the expense of the institutional protections of testimonial privilege, a result that will be damaging to the presidential office in the future.

DALTON CONLEY examines the causes and consequences of the black-white asset gap in the United States. He argues that it is wealth, more than any other measure of socioeconomic well being, that captures the nature of racial inequality in the post-civil rights era. Conley discusses policy implications that may be used to address such "equity inequity."

ANDREW REYNOLDS finds parallels between the crafting of the Northern Irish Good Friday agreement and the experiences of South Africa and Zimbabwe, which made the journey from unstable minority rule to majority reincorporation. He argues that if the Good Friday power-sharing arrangements are transitional, one logical but politically sensitive, ultimate destination for the peace process is the reunification of Ireland.

JOHN D. MARTZ focuses on presidential candidate selection in Venezuela and Colombia to explore the hypothesis that prevailing political party elites seek to preserve their organizational domination even while voicing rhetorical commitment to grass-roots participation. He concludes that both informal and institutional mechanisms mirror the continuing determination of party elites to finesse popular demands for internal party democratization.

YOSSI SHAIN discusses the changing relations between home countries and their diasporic kin with particular emphasis on the role of diasporas in the construction and reconstruction of national identity in their homeland. He explores how the rapprochement between Mexico and its U.S.-based diaspora after years of estrangement has led to the homeland's changing perception of itself.

DEMETRIOS JAMES CARALEY

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Russian Foreign Policy and the West

PAUL KUBICEK

To many observers, both inside and outside Russia, Russian foreign policy is inchoate, difficult to define, even more so to predict, and harder still to respond to in a consistent and coherent fashion. Since 1991, its general pattern has swung from one of cooperation with the West to one of direct confrontation over issues such as Bosnia, NATO expansion, and Russia's assertion of a sphere of influence in other post-Soviet states. Why this shift has occurred and how the West should respond have become important policy questions.

Many locate the source of change and confusion in Russsia's turbulent domestic politics. Alexei Arbatov flatly declared, "Present-day Russian domestic political conflicts and Russia's foreign policy uncertainties are closely intertwined," and this conclusion has been echoed by many others.[1] When considering an appropriate Western response, one might therefore suggest that if the source of Russian policy is at the domestic level, then the West must try to influence as best it can Russian domestic politics to strengthen the position of pro-Western, democratic reformers. This, many would claim, can best be done by pursuing a wide-ranging partnership with Russia.

Not all would agree with this analysis or prescription. Citing the apparent success of the cold war containment policy and still suspicious of Moscow's intentions, one might argue that the West should be cautious in pursuing partnership and instead act more confidently in asserting its own interests and power. According to this line of thought, Russia cannot challenge the West. Launching a preventive war is out of the question. Faced with a determined Western policy, Russia, regardless of the political configuration in Moscow, will be forced

[1] Alexei Arbatov, "Russia's Foreign Policy Alternatives," *International Security* 18 (Fall 1993): 5–43, at 5. See also Alexander Kozhemiakin, "Democratization and Foreign Policy Change," *Review of International Studies* 23 (Spring 1997): 49–74; and Vitalii Tretyakov, "Vneshnaia politika Rossii," *Nezavisimaia gazeta*, 2 February 1994.

PAUL KUBICEK is visiting assistant professor of political science at the University of Wyoming. He has written many articles on postcommunist politics and is author of *Unbroken Ties: The State, Interest Associations, and Corporatism in Post-Soviet Ukraine* (1999).

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to be more conciliatory and retrench. Cast in theoretical terms, this side would argue that foreign policy is determined primarily by the international environment, not domestic politics, and that a more assertive policy will produce a more cooperative and moderate Russia.

Who is right? Is Russian foreign policy hostage to domestic events and forces or does it respond primarily to the international environment? How do these two levels interact? What are the results of Western constructive engagement and pressure on Russian policy? When Russian and Western interests clash, what should be the Western response? This article attempts to give answers to these questions by examining developments in Russian foreign policy in four important cases: Bosnia, NATO expansion, Ukraine, and the Transcaucasus and Caspian Sea Basin.

Russia and the West: Conflicting Perspectives

While Russia has been embraced both in rhetoric and in certain international activities, as a partner of the West, there is debate about how far this partnership can go and how successful it will be. Considering the unpredictability of Russian politics itself, some have begun to question the level and nature of the West's engagement with Russia. This became most clear in 1993–1994 with concern over the prudence of Clinton's "Russia first" policy. It appeared again in debates over NATO expansion and American involvement in other former Soviet republics.

One school of thought, influential in both academic and policy circles, is that the United States must emphasize engagement and cooperation with Russia and do as little as possible to antagonize Moscow. The top priority—as stressed by President Bill Clinton, State Department officials Strobe Talbott and Stephen Sestanovich, and others—is cultivating democracy in Russia, as they expect a democratic Russia to be more Western-oriented and pacific.[2] Adherents of this line of thinking have faith in Russia's democratic potential, but recognize the fragility of Russia's democratic institutions. Consequently, they advise treating Russia with care, hoping that a benign international environment will provide more opportunity for democracy to take hold in Russia.

In addition, they tend to be agnostic about Russia's intentions and interests, arguing that these are not a priori givens but are determined by the relative power and preferences of coalitions, interest groups, and public opinion in Russia. As new actors gain influence over foreign policy, policies change to take into account their interests. Several studies have pointed to the intense domestic debate over Russian foreign policy and have identified various groups that

[2] This expectation is often linked to the democratic peace literature, although some have argued that democratization in Russia may not lead to a more peaceful state. See Kozhemiakin, "Democratization and Foreign Policy Change"; and Jack Snyder, "Democratization, War, and Nationalism in the Post-Communist States" in Celeste A. Wallander, ed., *The Sources of Russian Foreign Policy After the Cold War* (Boulder, CO: Westview, 1996).

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have sought to influence foreign policy.[3] The theme common to these works is that pragmatic nationalists have gradually become more influential in Russian foreign policy making, pushing aside liberal Westernizers such as former Foreign Minister Andrei Kozyrev. The more nationalist oriented figures, such as Boris Yeltsin advisers Sergei Stankevich, Andranik Migranyan, and former Prime Ministers Yevgeny Primakov and Sergei Stepashin, argue that Russia must begin to reassert itself as a great power, reorient its foreign policy toward other former Soviet republics in the Commonwealth of Independent States (CIS), and establish some distance between itself and the West. The influence of this group has become more marked since 1993 and grew as nationalists and communists did well in 1993 and 1995 parliamentary elections, compelling Yeltsin to adopt more assertive stances abroad in order to bolster his position. This shift in turn has worried many Western observers, who fear the consequences of a more confrontational Russia.

Finally, this school of thought often makes a connection between Western policy and developments in the Russian domestic political arena. The general proposition is that if reformers are in power, a hard-line Western policy will discredit the leadership and bolster opposition hard-liners and nationalists. Some saw this cause-effect relationship as early as 1993, and the NATO expansion debate centered on this concern.[4] On the other hand, a policy of engagement with a reformist, Western-oriented leadership, based upon the principle of reciprocity, would vindicate the position of the leadership and help disarm its opponents. Finding the current Russian leadership generally pro-reform and pro-West, or, at any rate, more so than its leading rivals, many would argue for treating Russia softly in order to strengthen their domestic position.

The other school of thought, occasionally drawing on the lessons of containment, is less sanguine about prospects for democracy in Russia and cooperation between Russia and the West. While few see Russia as an immediate and direct security threat to the West itself, adherents to this line of thinking deride Clinton's efforts to establish partnership with Russia as a case of "idealistic opti-

[3] The labels given to groups differ from work to work, and a particular individual's affiliation may be unclear or change over time. Nonetheless, the essential story is the same. See Arbatov, "Russia's Foreign Policy Alternatives"; Leszek Buszynski, *Russian Foreign Policy after the Cold War* (London: Praeger, 1996); Vladimir Lukin, "Our Security Predicament," *Foreign Policy* 88 (Fall 1992): 57–75; James Richter, "Russian Foreign Policy and the Politics of Identity" in Wallander, *The Sources of Russian Foreign Policy*; and Neil Malcolm, Alex Pravda, Roy Allison, and Margot Light, *Internal Factors in Russian Foreign Policy* (Oxford, UK: Oxford University Press, 1996).

[4] For academic analyses applying these arguments, see Richter, "Russian Foreign Policy"; and Matthew Evangelista, "Internal and External Constraints on Grand Strategy: The Soviet Case" in Richard Rosecrance and Arthur Stein, eds., *The Domestic Bases of Grand Strategy* (Ithaca, NY: Cornell University Press, 1993). For policy arguments regarding NATO, see Michael Mandelbaum, *The Dawn of Peace in Europe* (New York: Twentieth Century Fund, 1996). Other respected foreign policy analysts, including George Kennan and Sam Nunn, also made similar arguments that NATO expansion would strengthen Russian nationalism and lead to a backlash against the West.

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mism," to use Zbigniew Brzezinski's phrase.[5] The hard-liners are more skeptical about democratic progress in Russia, wary of Russian intentions, and argue that the West can and should become more assertive against Russia. In particular, they tend to believe that considerations of geopolitics matter more than possible domestic political change, and they are concerned that Russia will find its fellow post-Soviet neighbors as tempting targets and use economic, political, and military coercion as part of an imperial impulse. This, they claim, would clearly be against Western interests, and therefore the West should temper any Russian imperialist tendencies by denying Moscow spheres of influence in Eastern Europe or post-Soviet states. In Brzezinski's terms, the United States must establish "geopolitical pluralism" in the post-Soviet area. When Russian and Western interests clash, as they inevitably must on questions such as NATO expansion or Russian claims of hegemony in the CIS, the West must not be afraid to assert its own interests. Russian policy will in turn respond to changes in relative power and acquiesce. Moreover, one might even take solace from Russian and Soviet history in making this case, arguing that international defeats or foreign policy failure have actually led to liberalization at home, not victory for more hard-line forces.

The Bosnian Conflict

The conflict in Bosnia provided a crucial test for both the West and Russia, as it was the first major issue in which Russia tried to forge a common policy with the West, and it was also the first case to reveal the strains in a pro-Western orientation. While the Russian side tried to maintain a commitment to an international solution, it became clear that the Russian position—especially toward Serbia and the Bosnian Serbs—was not completely in line with the West's. Moreover, Russian policy in Bosnia became a matter of debate in the domestic political arena. One Russian commentary noted in early 1993 that, "One does not have to be a prophet to predict . . . that the Serbian card will be actively played in our domestic political games."[6] The fall of the Western position in Russian foreign policy and the emergence of more nationalist leaders were largely played out with the Bosnian crisis as a primary backdrop.

[5] See Zbigniew Brzezinski, "The Premature Partnership," *Foreign Affairs* 73 (March–April 1994): 67–82; William Odom, "How to Create a True World Order," *Orbis* 39 (Spring 1995): 155–172; Stephen Blank, "Russian Democracy and the West After Chechnya," *Comparative Strategy* 15 (January–March 1996): 11–29; and Paul Goble, "Turning the Cold War on Its Head: The Costs for Russia, Its Neighbors, and the United States" in Uri Ra'anan and Kate Martin, eds., *Russia: A Return to Imperialism?* (New York: St. Martin's Press, 1995). All of these people have been associated in the past with the U.S. government or military. Statements by current Western officials are, of course, more subdued; but the subtle shift in Western policy, particularly with respect to former Soviet republics, is a reflection of this school of thought.

[6] *Moskovskiye novosti*, January 1993, quoted in John Scott Masker, "Signs of a Democratized Foreign Policy? Russian Politics, Public Opinion, and the Bosnia Crisis" (Paper presented at the 1997 Annual Conference of the American Political Science Association, Washington, DC, August 1997).

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The pro-Western position emerged in 1992. The Russians, eager to forge close ties with the West, adopted an impartial position with respect to Bosnia; actively worked in the UN and the Contact Group of the United States, United Kingdom, Germany, and France; joined peacekeeping efforts; and supported the Vance-Owen plan, which would have in effect partitioned the country. Most importantly, perhaps, the Russians forswore their historic role as protectors of the Serbs, agreeing to UN sanctions against the rump Yugoslavia. One analyst suggested this step was the "most telling example of [pro-Western] Russian foreign policy in its initial period" and noted that it was made in the face of Western unity on this question.[7]

As the war continued, this policy, largely the creation of Foreign Minister Kozyrev, encountered criticism. Russian nationalists complained that Russia had kowtowed to the West and abandoned its brother Orthodox Serbs, traditionally Russian allies. Others pointed to similarities between the Serbs and the Russians, both the dominant nationality in a collapsed multinational state that are interested in protecting their coethnics outside their current borders. Thus there was a link between Bosnia and Russia's own CIS policy. In addition, many complained that the West was not adequately respecting Russia's position, and that Russia should adopt a more independent line consistent with its own interests and in line with Russian aspirations to be a major power.[8] The center of criticism was the Supreme Soviet, which passed resolutions urging Yelstin to end the sanctions on Serbia and to veto any military intervention in the Balkans.

During this time, there was an obvious link between domestic politics and Russian policy in Bosnia. One analyst suggested that the debates over Bosnia were a "surrogate battle over deeper internal conflicts in Russian political life," which pitted Yeltsin and his team of reformers against a more conservative, hard-line parliament.[9] In 1992–1993, Russian policy reflected more of a balance between the two positions, with Russia still supporting international efforts to end the conflict, while both Yeltsin and Kozyrev complained that "one nation should not dictate to another." Despite a brief respite in October 1993 when parliament was "dismissed," reinvigorated criticism emerged after Vladimir Zhirinovsky's Liberal Democratic "victory" in the December 1993 parliamentary elections. Zhirinovsky was no longer, despite what Kozyrev said, a "medical" problem for psychiatrists. His entry onto the stage both gave heart to the Serbs and forced Yeltsin and company to reevaluate policy in the Balkans. Kozyrev conceded as much in an interview in 1994, declaring, "The opposition has succeeded in exaggerating this feeling toward the Serbs, toward Belgrade. Now, whatever the reason is, it is a fact of life that a considerable part of Russian

[7] Kozhemiakin, "Democratization and Foreign Policy Change," 64.

[8] Stanislav Kondrashov, "Rossiia otstaivaiet sebia cherez Bosnu," *Izvestiia*, 28 May 1993.

[9] Lenard J. Cohen, "Russia and the Balkans: Pan-Slavism, Partnership, and Power," *International Journal* 49 (Autumn 1994): 814–845, at 832.

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public opinion believes that Serbs are the closest people to Russia in the Balkans, and they have to be protected. We have to take that into account."[10]

However, Russian policy shifted not only in response to domestic politics, but also to perceived opportunity. The Western alliance, seemingly hopelessly divided over Bosnia policy, was unable to assert itself and was losing regional and global credibility.[11] Not only did this embolden the Bosnian Serbs, but Russian leaders also saw Western caution as a chance to reassert their authority in the Balkans. One commentator in the liberal-oriented *Nezavisimaia gazeta* suggested that Russia could use Western inaction and the troubles in Eastern Europe to build a series of "special relations" in the region.[12] Beyond the immediate question of the Balkans, the Russian leadership also saw a chance to reestablish great power status and subordinate NATO to other organizations such as the Conference (later Organization) for Security and Cooperation in Europe (CSCE/OSCE) and the UN.[13]

Russian influence in Bosnia reached its zenith in February 1994. After a shell exploded in a Sarajevo marketplace, killing sixty-eight people, NATO issued an ultimatum to the Bosnian Serbs to remove their forces from around the city or face air attacks. The Russians expressed consternation at the fact that NATO had not consulted with them prior to making this ultimatum. Zhirinovsky threatened that bombing the Serbs would be a declaration of war against all Slavs, and opinion polls showed that two-thirds of the public agreed with his basic position and 77 percent disapproved of NATO's threat.[14] Presidential adviser, Sergei Stankevich, suggested that NATO air strikes would make it impossible for Russia to be a partner to the West. The Russians were spurred to act to prevent a clear humiliation. In a triumph for Russian diplomacy, Russian Envoy Vitaly Churkin convinced the Serbs to pull back and suggested that Russian forces be deployed to monitor the situation. Perhaps dizzy with success from this gambit, Churkin suggested that the West should now learn that Russia is an equal partner, and Kozyrev advised that Russia would no longer listen to the West's lessons and lectures.

This was to be, however, a short-lived feeling of confidence. In April 1994, after the Serbs attacked the UN-declared safe haven of Gorazde, NATO launched air strikes. These were predictably condemned by Moscow, and Churkin again tried to use Russia's "special influence" with the Bosnian Serbs to

[10] Interview in *Radio Free Europe/Radio Liberty Research Report* 3 (15 July 1994): 36.

[11] A litany of works explores this theme. See David Rieff, *Slaughterhouse: Bosnia and the Failure of the West* (New York: Touchstone, 1995); James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press, 1996); and Sabrina Petra Ramet, "The Yugoslav Crisis and the West: Avoiding 'Vietnam' and Blundering into 'Abyssinia,' " *East European Politics and Societies* 8 (Winter 1994): 189–219.

[12] Vitalli Portnikov, "Rosiia vozvrashchaietsia na vostochnuiu Evropu," *Nezavisimaia gazeta*, 1 December 1993.

[13] James Sherr, "Doomed to Remain a Great Power," *World Today* 52 (January 1996): 8–12, at 9.

[14] "Bluff Called," *The Economist*, 23 April 1994.

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avoid conflict escalation. He failed and lashed out against the Serbs for being "sick with the madness of war."[15] The Bosnian Serbs could not be brought to heel, and Kozyrev conceded that if the Serbs did not come to their senses, NATO air strikes might be necessary. Despite strong opposition at home, Russia ceded both the military and diplomatic offensive to the West while backing away from pro-Serb pronouncements.

This continued into 1995, as the United States began to exercise more leadership on the Bosnian question and clearly threatened to take sides by arming the Bosnian government forces. The diplomatic debate shifted toward the U.S. proposal, endorsed by Russia, for a Muslim-Croat federation. On the ground, the Serbs' position was weakened after Croatian forces defeated the Krajina Serbs, and Bosnian government forces launched a new offensive. Moreover, Western policy turned increasingly militant, especially after Serbian forces overran Srebrenica and Zepa in July 1995. NATO responded with air strikes without consulting Russia. The Russian government lashed out, calling the airstrikes an act of genocide. Defense Minister Pavel Grachev told his American counterpart, William Perry, that "the policy of ignoring Russia's opinion on possible ways of settling the crisis is inadmissible."[16] The Duma passed a resolution demanding Kozyrev's resignation along with an end to sanctions on Serbia and an embargo on Croatia. Some deputies even suggested the Russian government arm the Bosnian Serbs. Along with concerns over NATO expansion, Russian–U.S. relations reached a post-cold war low.

Despite this, the United States and NATO pushed forward, ignoring Russian government concerns and the clamor from the Duma. While Yelstin tried to stop NATO air attacks by vaguely referring to taking "appropriate actions," he found he had no leverage—on the Serbs or on NATO. Russian policy was clearly at a loss. One Russian report conceded that Yeltsin's threats were all "bluster" and "hot air," since Russia lacked the power to do anything.[17] Vindication for NATO's hard-line strategy came in November 1995 with the signing of the Dayton Accords, which were reached with minimal Russian input and were an undisputed triumph of American power and diplomacy. Later, Russian troops were included in the multinational Implementation Force (IFOR), and special arrangements were engineered between NATO and Russian command; but as far as Bosnia was concerned, Russia was at most a junior partner in the post-Dayton arrangement.

Ultimately, what influenced Russian policy makers? Ardent pressure from many domestic quarters to pursue a more independent or assertive policy was a constant throughout 1991–1995. During most of this period, Western indecisiveness also opened up possibilities for Russia to play a larger role. However, once it became clear that Russia lacked the necessary power over the Bosnian

[15] "Pax Russiana," *The Economist*, 19 February 1994.

[16] Cited in Masker, "Signs of a Democratized Foreign Policy."

[17] *Segodnya*, 8 September 1995, cited in Masker, "Signs of a Democratized Foreign Policy."

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Serbs and a strong consensus was reached on a more assertive NATO policy, Russia was forced to relent and take a backseat in the Bosnian operation. In short, assertive Western policy not only brought a solution to the conflict, but it also reduced Russia's role in the Balkans.

NATO Expansion

The question of NATO expansion has been the most troubling issue in Russia's relations with the West. Russian leaders across the political spectrum have spoken against NATO's move east. Public opinion polls also find that most Russians are against NATO expansion. This antiexpansion position has been a constant feature in the Russian foreign policy debate since late 1993.

The reasons for Russian resistance to this idea were varied, but they are not difficult to uncover. For some, NATO expansion was clearly directed against Russia, constituting both a security threat and a sign that the West did not seek a genuine partnership. Similarly, others mentioned prospects of a new division of Europe, with Russia clearly on the outside. Many made a link between NATO expansion and prospects for a democratic, Western-oriented Russia, arguing that NATO expansion would bolster the electoral prospects of Russian nationalists and therefore create, not prevent, a renewed Russian threat.[18]

Given these concerns, the Russians presented a series of proposals that would, they hoped, prevent or limit the consequences of NATO expansion. First, they suggested that the CSCE, which includes nearly all European countries, should be transformed into a more powerful vehicle to maintain peace and security on the continent. NATO, the European Union (EU), the West European Union (WEU), and other Western organs should be subordinated to this pan-European structure, which could provide collective defense for all states. Second, NATO itself, the Russians believed, needed to change from a military alliance into a more open, politically-oriented organization. In line with this, the Russians proposed the East Europeans should adopt the French model, meaning they would become merely political members and not allow NATO troops or weapons on their territory. Kozyrev also suggested that both the Russians and NATO give security guarantees to East European states. Finally, the Russians sought a special partnership with NATO, one that would allow them to influence and even veto key decisions such as expansion. Meanwhile, Yeltsin and his advisers began feeling the political heat for their pro-Western orientation, as nationalists accused them of betraying Russia. Given the nationalists' electoral success in 1993 and the fact that they could score easy points on foreign policy, the Russian leadership was forced to adopt a more assertive stance in order to weaken Zhirinovsky's constituency. By the end of

[18] Alexei Arbatov, "Russian National Interests" in Robert Blackwill and Sergei Karaganov, eds., *Damage Limitation or Crisis? Russia and the Outside World* (Washington, DC: Center for Strategic and International Affairs, 1994); and Nikolai Kosolapov, "Novaia Rossiia i strategiia zapada," *Mirovaia ekonomika i mezhdunarodnie otnosheniia*, no. 2, 1994, 14.

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1994, Yeltsin was warning of a cold peace and suggested that NATO expansion would bury prospects for democracy in Russia.

While the United States and NATO agreed to some of Russia's suggestions—the CSCE was upgraded in 1995 to the OSCE and the idea of a NATO-Russia Charter was approved—plans for NATO expansion moved apace. In 1994, the Partnership for Peace (PFP) program was unveiled, which was envisioned as a way to bolster NATO-Eastern European defense cooperation and perhaps as a stepping stone to eventual NATO membership. The East European states and many CIS states eagerly joined, and in June 1994 Russia, after intense domestic debate, grudgingly agreed to participate. Momentum for expansion grew in 1994-1995, but NATO, fearing that assertiveness might play into the hands of the nationalists or communists, delayed more concrete steps until after the June 1996 Russian presidential elections.

By the end of 1996, matters had come to a head. Emboldened by NATO's success in Bosnia, more confident of his Russia policy after Yeltsin's reelection, and mindful of his own domestic audience, Clinton made NATO expansion a priority and began to rally NATO partners in earnest behind this idea. Russians again cried foul. Antatoly Chubais, named deputy prime minister in March 1997 and a leading reformer, suggested that NATO expansion was "one of the worst ideas to be advanced by the West in recent years."[19] Fellow reformer Grigory Yavlinsky agreed, warning that NATO expansion would only undermine the position of pro-Western reformers by constituting a psychological "rejection" of Russia from the Western community.[20] Yeltsin similarly grumbled that NATO was intent on squeezing Russia out of Europe. Others took a harder line. Russian generals issued a letter calling for Russian missiles to be pointed at the capitals of NATO members in order to force their leaders to reconsider. Some saw intensified Russian-Belarussian integration as a preliminary Russian step west to counter NATO's move to the east. The Russian-American "partnership," always wobbly, threatened to topple.

In May 1997, new life was breathed into this moribund creation. Russian and NATO leaders signed a new Founding Act, which was designed to placate some Russian concerns while ensuring a timely expansion of the alliance. NATO stated that it had no intention to deploy nuclear weapons in the new member states, and a joint NATO-Russia Council was established to be a venue of consultation between the two sides. NATO also pledged to reopen the question of amending the Conventional Forces in Europe Treaty (CFE) to take into account both expansion and broader Russian concerns. While the Founding Act admittedly does give Russia a voice, it is obviously not the veto that Yeltsin had previously demanded. While Yeltsin tried to save face with this document, claiming that even though NATO expansion did run counter to the cause of peace in Europe, he had managed to make NATO take into ac-

[19] "Russia's Surly Answer to NATO," *The Economist*, 1 February 1997.

[20] Comments in "The NATO Distraction," *Transitions* (Prague) 3 (21 March 1997): 32–34.

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count Russia's legitimate interests. But he was subjected to scathing criticism. For example, Alexander Lebed, perhaps positioning himself as Yeltsin's successor, argued that this new charter signified a new Yalta, one in which Russia is a "defeated party signing its act of capitulation."[21]

Despite all the efforts made to stop NATO expansion or to give Russia a say over this decision, NATO went ahead with its plans, and the Russian side largely caved in. Was this change precipitated by any changes in Russian domestic politics? It is hard to find any evidence for this. Russian opposition was virtually universal, and even in the end Yeltsin maintained that he was still opposed to the idea. The Russian side was basically forced to back down. Moscow could not restore the influence it had lost in Central Europe. NATO's will was determined, and various Russian efforts to sabotage expansion or water down NATO were rejected. A military response clearly was out of the question, the mad ravings of Zhirinovsky and company aside.

Russian Policy in the Near Abroad

Russia's relations with the former Soviet republics have a prominent and special place in its foreign policy, as well as perhaps providing a crucial set of cases for its broader relationship with the West. Their importance is assured by a number of factors: fears that the various conflicts in these states might have repercussions for Russia, the desire to preserve economic ties, the need for Russia to find reliable allies, and interest in protecting the approximately twenty-five million Russians living outside Russia's present borders. Their special status is exemplified by use of the term "near abroad" (*blizhnee zarubezh'e*) to describe the non-Russian post-Soviet space, which implies (ominously, to some) that these countries are not "as foreign" as others and therefore may be subject to different rules or treatment. Some have posited a Russian Monroe Doctrine for these states, meaning that they are under Russia's sphere of influence.[22] Russian interest in the near abroad has coincided with the rise of nationalist forces in Russian politics, and there is a clear connection between more vocal rhetoric from the nationalist-communist flank and renewed Russian assertiveness in the region. These developments have clearly alarmed Western observers and supplied more ammunition for skeptics of Western-Russian partnership. Western policy gradually has become more active and assertive to counter Russian influence, with the result that Russian behavior has become more moderate.

Ukraine

Among Russia's relations with all the former Soviet republics, those with Ukraine are of paramount importance. This is not only because Ukraine is the

[21] "Russia-NATO . . . .Well, Almost Everybody," *Transitions* 4 (July 1997): 12–13, at 13.

[22] Andranik Migranyan "Rossiya i blizhnee zarubezh'e," *Nezavisimaia gazeta*, 18 January 1994.

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second largest ex-Soviet state and because of its strategic location vis-à-vis Europe, but also because Ukraine occupies a special place in Russian history, culture, psyche, and identity. Both states claim the one thousand year-old heritage of Kievan Rus', and their histories are intertwined with each other. The nature of centuries of Russian-Ukrainian interaction is the matter of some dispute: Was it imperialist or mutually beneficial? But there is no doubt that many Russians view Ukraine and Ukrainians as an essential part of themselves. For example, Nikolai Travkin opined that, "History requires that Russia's relations with Ukraine be qualitatively different from its relations with other foreign countries."[23] Other political figures, including Alexander Solzhenitsyn and Zhirinovsky, have been more explicit in their statements, claiming that Ukraine naturally should become part of a greater Slavic state with Russia. Moreover, this sentiment finds wide support among Russians. For example, a 1993 survey found that 72 percent of those queried agreed that Ukraine must be reunited with Russia.[24]

More ominously, as far as many Ukrainians are concerned, these beliefs manifest themselves in Russian policy that threatens Ukraine's status as a sovereign state. The most conspicuous examples, perhaps, were 1992 and 1993 declarations of the Russian Supreme Soviet that declared the 1954 transfer of Crimea to Ukraine invalid and maintained that Sevastopol, the headquarters of the Black Sea Fleet, was part of the Russian Federation. Both received wide support across the Russian political spectrum. While more aggressive nationalist and military figures have advocated more direct pressure on Ukraine to convince Kiev that independence was a mistake, in 1993 even erstwhile Westernizer Andrei Kozyrev proclaimed support for Ukrainian-Russian unification while on a visit to Sevastopol. Ukrainians were rightly wondering if they had any friends in Moscow.

The key point for our purposes is that until quite recently there have been relative consensus and consistency in Russian policy toward Ukraine. Russia has strived for closer economic, military, and political integration with Ukraine, both within and beyond the CIS framework. Concerted pressure has also been put on Ukraine in order to make it bow to Russian demands. This course has been pursued vigorously since the dissolution of the USSR and has focused on several, often interrelated, issues.

The first of these is Russian territorial claims on Ukraine. The main area of contention has been the Crimea, which is two-thirds ethnically Russian and was only transferred to Ukraine by communist authorities in 1954. Many Russians see this land as theirs. In the previously cited survey, only one percent of respondents agreed that Crimea should remain part of Ukraine. In addition, there are plenty of home-grown separatists on the peninsula, and many accuse

[23] Nikolai Travkin, "Russia, Ukraine, and Eastern Europe" in Stephen Sestanovich, ed., *Rethinking Russia's National Interests* (Washington, DC: Center for Strategic and International Studies, 1994), 36.

[24] Data cited in Adrian Karatnycky, "The 'Nearest Abroad': Russia's Relations with Ukraine and Belarus" in Ra´anan and Martin, eds., *Russia: A Return to Imperialism?* 73.

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Moscow of fanning the flames in order to gain power vis-à-vis Kiev.[25] Ukrainians also fear the spread of separatism in other regions bordering Russia, where there is a high population of ethnic Russians and Russian is the most common medium of communication.[26] In addition, there is the more general recognition of Russia's recognition of Ukraine's current borders. Until very recently, Russia was not willing to sign a basic treaty with Ukraine that would forever renounce all territorial claims. The Russian position, expressed by Yeltsin in January 1993, was that Russia would recognize Ukraine's borders within the CIS framework, implying that the border question could be reexamined should Ukraine withdraw from the CIS. As Russian-Ukrainian relations deteriorated in 1992–1993, some Russian diplomats even began suggesting that there was no need for Western countries to upgrade their facilities in Kiev, since the days of Ukrainian independence were numbered.

The second issue of contention has been division of the Black Sea Fleet. In April 1992, Ukrainian President Leonid Kravchuk nationalized the fleet, but in principle agreed to a future 50/50 division with Russia, subject to negotiations. Numerous meetings between Yeltsin and Kravchuk addressed this issue, with the Russian side not only insisting on control of the fleet but basing rights for its own personnel. In June 1993, the two sides agreed to begin division of the fleet and established leasing rights for the Russians in Crimea. In September 1993, however, the Russians upped the ante, and Yeltsin himself took a harder line, demanding the Ukrainians "sell" their share to Russians to pay for mounting energy debts. He hedged on earlier pledges to consider Sevastopol as part of Ukraine.[27] Under domestic pressure, Kravchuk renounced the "bargain" he had made with Yeltsin. Talks continued, with each side accusing the other of backing away from earlier pledges. Real movement toward a final solution was only made in 1996.

A third issue is the Russian-Ukrainian economic relationship. Russia envisions a close economic relationship between it and other CIS states, seeking to reestablish the common Soviet economic space. Ukrainian leaders have balked at this, fearing a diminution in sovereignty; and they have been willing to pay the economic consequences.[28] These have been most dire with respect to energy. As Ukraine's debts have grown to several billion dollars, Russia has reduced gas supplies, making Ukrainian winters even more difficult. Energy issues have also been linked to those of the Black Sea Fleet and nuclear missiles.

[25] Ibid., 76.

[26] Surveys conducted in 1994 found that a majority of respondents in the regions of Crimea, Donetsk, Lubansk, Mykolaiv, and Sumy (all bordering Russia) favor a union with Russia. See Roman Laba, "The Russian-Ukraine Conflict: State, Nation, and Identity," *European Security* 4 (Autumn 1995): 457–487, at 475.

[27] Bohdan Nahaylo, "The Massandra Summit and Ukraine," *RFE/RL Research Report* 2 (17 September 1993): 1–6.

[28] Paul D'Anieri, "Interdependence and Sovereignty in the Ukrainian-Russian Relationship," *European Security* 4 (Winter 1995): 603–621.

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Still, Ukrainian leaders resisted the pressure, denouncing economic diktat and agreeing in September 1993 to only associate membership in the CIS economic structure, which means that cooperation with the CIS is strictly voluntary.

A final set of issues involves the military and Ukrainian possession of Soviet nuclear weapons. After the collapse of the USSR, Ukraine immediately began constructing its own national army and showed no interest in military integration into the CIS. It resisted Russian entreaties for defense cooperation, but a special ara of concern was the strategic nuclear forces that Kiev had inherited. Initially, the weapons were placed under joint CIS command, and Kiev was given veto power over their possible use. In 1992, however, the Russian side claimed sole ownership of these weapons, which required that Ukraine either give up the weapons or allow Russian personnel to be based in Ukraine to maintain and oversee them. Both these proposals were unacceptable to Ukrainian leaders across the political spectrum, especially in light of Russian declarations on Crimea and the Black Sea Fleet. The foreign minister declared, "Ukraine cannot agree to this [Russian control] since its sovereignty and its economic interests are at stake."[29] In October 1993, the Ukrainian parliament proclaimed Ukraine's intention to become a nuclear-free state while also declaring the existing weapons to be Ukraine's property. The West, it should be mentioned, took sides in this dispute, and punished what it considered to be Ukrainian intransigence by denying it aid and refusing to offer security guarantees until the weapons were removed. By 1994, this diplomatic isolation, combined with Russian pressure on other issues and a failing economy, led some to question the continued viability of the Ukrainian state.[30]

In 1994, some in Russia thought that the policy of pressure on Ukraine finally paid off. Leonid Kuchma, promising to defend the interests of the largely pro-Russian industrial lobby and build "Fewer Walls, More Bridges" with Russia, was elected president. Many thought that Kuchma would pursue integration with Moscow and bow to many of its demands in Crimea.

Yet these expectations (or fears, for many Ukrainians) were not realized. Kuchma proved to be an adroit bargainer and continued to defend Ukrainian sovereignty against Russian assaults. While he did agree to dismantle the weapons and sign the Nonproliferation Treaty, these acts were clearly done more with Washington in mind. In return, he won a highly publicized trip to Washington and gained Western aid for his economic reform program. By 1997, the International Monetary Fund (IMF) had supplied Ukraine with some $3.5 billion in aid, and Ukraine was the third highest recipient—after Israel and Egypt—of U.S. foreign aid. Just as importantly, Kuchma was given security guarantees and invited to join the Partnership for Peace, in which Ukraine was the first CIS country to enter. By 1996, Ukraine was receiving solid support

[29] *Ukrinform*-TASS, 3 June 1993, quoted in Olga Alexandrova, "Russia as a Factor in Ukrainian Security Concepts," *Aussenpolitik* 45 (no. 1 1994): 68–78, at 75.

[30] Boris Rumer, "Will Ukraine Return to Russia?" *Foreign Policy* 96 (Fall 1994): 129–144.

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from the West; and in 1997 Kuchma even proposed an "11 + 1" arrangement for the CIS, dropping Ukraine's status from associate to observer. Some even see Ukraine heading a new bloc (together with Georgia, Azerbaijan, and Moldova) to counter Russian influence in the CIS.[31]

Russia had no forceful response to this change in Ukrainian policy. When Kuchma reasserted Kiev's control over Crimea in early 1995 by dismissing the region's president and parliament, Moscow maintained that this was an internal Ukrainian affair. Linkage between Ukrainian debts and Crimea was dropped, and the debts were successfully rescheduled in 1995. By late summer 1996, preparations were made for both a treaty on borders and division of the Black Sea Fleet. In May 1997, after another delay, Yeltsin made his long awaited and oft-postponed trip to Kiev, signing agreements on both counts; he also agreed on provisions on Ukrainian debt and removed various trade barriers with Ukraine. While both sides do stand to benefit, one detailed report suggested that the agreements are highly favorable to Ukraine, in some ways better than those the Russians backed away from eight months earlier.[32]

What explains this shift in Russian policy from pressure and confrontation to one of cooperation and compromise? How was it possible that Ukraine has been able to secure a rather favorable deal from Russia and assert its independence? It is hard to find an explanation rooted in Russia's domestic politics. There has been no clear coalition shift on issues relating to policy in the CIS or more specifically with Ukraine. When the initial breakthroughs occurred in 1995, these was still strong pressure and interest in a more assertive Russian policy in the near abroad, as Russia geared up for another round of elections. One proffered explanation, that Russia was bogged down in Chechnya and therefore unwilling to assert itself versus Ukraine,[33] seems ad hoc and is not consistent with other simultaneous cases of Russia's assertiveness, including continued intervention in the Nagorno-Karabakh dispute, pressure of Central Asian states to recognize rights of ethnic Russian minorities, and wooing of Belarus to join a new union with Russia. Moreover, even in October 1996, one still finds the Russian Duma "virtually unaminously" voting to maintain a united Black Sea Fleet and control over Sevastopol. This was backed by Foreign Minister Primakov as well as visible political figures such as Aleksandr Lebed and Moscow Mayor Yurii Luzhkov.[34]

Rather, if we look at what really changed, the obvious answer is Ukraine's relationship with the West. As Kuchma cultivated political ties and aid from the West, he gained a stronger hand vis-à-vis Moscow. He used this to his advantage in February 1995, connecting Ukrainian debt rescheduling with IMF

[31] *ABN Press* (Tbilisi), 4 November 1997.

[32] James Sherr, "Russia-Ukraine Rapprochement? The Black Sea Fleet Accords," *Survival* 39 (Autumn 1997): 33–50.

[33] See quote from *Izvestiia* in Laba, "The Russian-Ukraine Conflict," 466.

[34] Sherr, "Russia-Ukraine," 37; and Taras Kuzio, "A Way with Words: Keeping Kiev Secure," *World Today*, 52 (December 1996): 317–319.

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disbursement of funds for Russia and therefore receiving Russian concessions. In 1996, as Kuchma teetered toward the Western alliance, backing NATO expansion and upgrading relations with NATO to special partnership (perhaps flirting with the idea of making a Ukrainian bid to join NATO), Russia found itself outmaneuvered. With the West firmly backing Ukraine—the U.S. Senate even applauded Ukraine for preventing the emergence of an organization to promote the reintegration of post-Soviet states—Yeltsin was, in the words of one commentator, "jolted" into addressing long-standing issues with Ukraine.[35]

In 1991–1994, Ukraine was weak and diplomatically isolated, an easy target for Russian pressure. It managed, however, not to back down; and after 1994, when it could feel more secure due to better relations with the West, it was able to assert itself with Russia. Concomitantly, while Russian interest in Ukraine remained high, Russian power over Ukraine fell as Ukraine developed a greater range of political and economic ties that made, in essence, Russian threats less threatening. Many Russian officials, of course, did not approve of Ukraine's tilt to the West, but they were not in a position to do much about it. By 1997, Ukrainian independence, insecure a few years ago, was virtually unchallenged; and this state has become an important buffer against possible Russian resurgence.

The Transcaucasus and Caspian Basin

The Transcaucasus and the Caspian Basin have also been and remain priorities for Moscow, as well as an area of growing Western interest. Russian interests in the region are several. One is the fear that regional conflicts (in Nagorno-Karabakh, Abkhazia, South Ossetia) could spread into Russia itself. In particular, some have spoken of Russia's southern borders as its "soft underbelly," and therefore they want to ensure that Russia maintains a strong military presence in the region. Second, the region's vast fossil fuel reserves have attracted both Russian and Western attention, as many speculate that early in the next century the region will be second to the Persian Gulf in total output. Both Russia and the West have a strong interest in securing their place and limiting the role of others in this renewed Great Game. In the Russian case, this specifically means assuring its role both in exploration and as a conduit for shipping oil and gas to world markets. Finally, many in Russia believe that Russia has a special interest in protecting the rights of ethnic Russians and Russian speakers in the region. This has been especially pronounced in relations with Kazakhstan, where over 35 percent of the population are Russians, and many of these people are concentrated along the long Russian-Kazakh border. Some Russian nationalists even claim that this area is in fact Russian, and naturally Akmola, Kazakhstan's new capital, is concerned that Moscow could easily stir up secessionist movements in northern Kazakhstan.

[35] "Russia's Old Imperial Map Is Still Shriveling," *The Economist*, 24 May 1997.

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After the collapse of the USSR, however, Russian foreign policy was not overly concerned with developments in this region. Many in the Westernizing camp found the CIS states, particularly those in Central Asia and the Caucasuses, an economic and political burden, backwaters infested with authoritarian governments. They argued that it would be counterproductive for Russia to attempt to dominate them or keep them in a close union with Russia. They were also eager to purge neoimperialist tendencies from Russian foreign policy, believing that an imperialist Russia could not at the same time be a democratic Russia.[36]

This policy was attacked by more nationalist figures in and out of government, including Lukin, Stankevich, and Migranyan. They asserted that Russia had real and important interests in this region that simply could not be ignored. In particular, they argued that the main security threat to Russia was conflicts along its periphery, and they suggested that Russia must fill the post-Soviet power vacuum and assume the lead for regional peacekeeping. Many also pointed to the need for closer integration within the CIS and hoped to achieve something close to the European Union. The Russian gas and oil complex also flexed its growing political muscle by pressing for integration of these states' nascent energy complexes with Russia's. In February 1993, Yeltsin addressed an appeal to the UN to give Russia special peacekeeping powers in the CIS. By April, the CIS-focused views of the "pragmatic nationalists" were enshrined in the Russian Foreign Policy Concept, and a corresponding Military Doctrine was approved in November 1993 that foresaw an enhanced Russian role in the region. By the end of the year, a new, more assertive Yeltsin-Kozyrev strategy became the prevailing line, one that defended Russia's "special role" in the near abroad but that officially eschewed "dominance."[37] Some, of course, feared precisely the latter outcome, thinking that Russia would use both its power and a series of regional conflicts to its own advantage.

These fears were largely borne out. In 1993, as Russian officials became more concerned about Russia's declining influence in neighboring states, more assertive rhetoric began to be supplemented with more heavy-handed policies. In Azerbaijan, President Abulfaz Elchibey had rebuffed Russian proposals on Nagorno-Karabakh. Russia responded by increasing aid to Armenia, and Elchibey even pointed to direct Russian involvement in Armenian offensives on Azerbaijani territory.[38] Elchibey turned to Turkey for assistance, and in March 1993 even signed a deal to build a new oil pipeline from Baku to the Turkish port of Ceyhan. Moscow was outraged, and many saw its fingerprints on a 17 June 1993 coup that brought former Politburo member Heidar Aliev to power.

[36] The best source for Russian policy in this area is Irina Zviagelskaia, *The Russian Policy Debate on Central Asia* (London: Royal Institute of International Affairs, 1995).

[37] See Malcolm et al., *Internal Factors*; and Duygu Bazoğlu Sezer, "Russia and the South: Central Asia and the Southern Caucasus," *European Security* 5 (Summer 1996): 303–323.

[38] Aidyn Makhtiyev, "Baku obviniaet rossiiskikh desantnikov," *Nezavisimaia gazeta*, 26 February 1993.

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Aliev then relieved a source of Russian concern by joining the CIS and temporarily ended talks with Western companies on oil and pipeline development.

Meanwhile, Georgia, which had also refused to join the CIS, became the next target. Georgian President Eduard Shevardnadze found himself in an unenviable position, as the militarily-weak Georgian troops were embroiled in civil conflict in South Ossetia and Abkhazia and also confronted with forces loyal to former President Zviad Gamasakhurdia. In early 1993, fighting intensified in Abkhazia, and it was very clear that the Abkhazians had Russian ground, air, and technical support.[39] Shevardnadze issued an appeal to the UN, but no help was forthcoming. In July, the Abkhazians captured the regional capital Sukhumi, which Shevardnadze had pledged personally to defend. In the following month, Russia's hand could again be seen in the resurgence of Gamasakhurdia's forces in western Georgia, which captured the port of Poti. Weak at home and internationally isolated, Shevardnadze had no choice. In return for a Russian-brokered peace and assistance against Gamasakhurdia, he agreed to join the CIS and allow Russians to maintain bases on the Black Sea. Learning his lesson, he even advised other CIS leaders to stop playing games with independence and to admit that all attempts to free themselves from Moscow would be in vain.

Kazakhstan, which enjoyed a more secure domestic political environment, escaped such direct intervention; but it remained subject to Russian pressure on questions related to mutual debts, use of the launching site at Baikonur, fuel resources, and its ethnic Russian population. In order to get its way, Russia would reduce Kazakhstan's energy export quotas on Russian-controlled pipelines and put restrictions on the export of other Kazakh goods.[40] The cost of such coercion was minimal for Russia, but it put severe strains on the Kazakh economy. Having little choice, Kazakhstan acquiesced to Russian pressure. Russia also claimed that the Caspian was a lake, not a sea, which, if internationally accepted, would give Russia effective veto power over Kazakh and Azeri offshore exploration. Moscow also lobbied for dual citizenship for Russians living in Kazakhstan, and in November 1993 Kazakh President Nursultan Nazarbaev likened Russian pressure with that Hitler applied on the Sudeten German question. Nonetheless, in 1995 and 1996, a series of agreements were made to protect the rights of Russians and Russian speakers in Kazakhstan, and the two states also strengthened bilateral ties in a number of areas. In 1996, Kazakhstan even joined a customs union with Russia and Belarus, and along with Armenia it has been until very recently among the CIS states most strongly oriented toward Moscow.

[39] This was, of course, officially denied; but as one writer put it, the notion of Abkhazian tanks and Abkhazian air force is as absurd as the idea of a Mongolian navy. See Sergei Grigoriev, "Neo-Imperialism: The Underlying Factors" in Ra´anan and Martin, *Russia: A Return to Imperialism?* 5.

[40] Daniel Drezner, "Allies, Adversaries, and Economic Coercion: Russian Foreign Economic Policy Since 1991," *Security Studies* 6 (Spring 1997): 65–111, esp. 88–94.

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How does one explain Russia's more active interest and aggressive role in this region since 1993? One answer is entirely consistent with the general domestic politics explanation given earlier in this article. The liberal Westernizers lacked strong support for their program both in the Duma and in the presidential circle, and many grew disillusioned with the naive hopes they had placed on the West. New interest groups and political forces emerged advocating more assertive action to maintain a Russian sphere of influence, especially in former Soviet states. Public opinion also favored a stronger, more assertive Russian role in the near abroad. Foreign policy changed as a consequence of these changes at home.

However, is domestic politics the only explanation? What can one say about power and opportunities afforded by the international environment, specifically the role (or lack thereof) of the West? Andranik Migranyan suggested that Russian activity in these areas could become more intense during this time because Western involvement and interest was low.[41] In other words, coercion carried little or no cost. Russia found a very permissive environment for assertive action. Paul Goble concurs with this line of reasoning, arguing that since American policy in the former USSR was so centered on developments in Russia and the success of Yeltsin's reform program, Washington became timid in its criticism of any of Yeltsin's actions in the near abroad for fear of undermining his position.[42] This was particularly true in 1993, when Yeltsin was in constant conflict with hard-liners in the Supreme Soviet. Another observer suggested that U.S. policy toward ex-Soviet states was one of "diplomatic triage," one that had decided that some (the Baltic States, Ukraine) were worth saving, and others, including those bordering the Caspian, were more or less a lost cause.[43] During this time, Russia had essentially a free hand to use against its weaker neighbors, as America "indulged" Russian "sensibilities."[44]

In 1994, America's Russia-first policy began to become more even-handed. Recognizing that inaction might leave the energy-rich Caspian Sea under the Russian or Iranian sphere of influence, the United States and its Western partners began to pay more attention to the region. In September of that year, when Yeltsin visited Washington and again demanded that the West recognize Russia's special peacekeeping role in the CIS, Clinton refused, saying instead that Russia should work with the UN and other international bodies. In December, the OSCE voted to send a peacekeeping force to Nagorno-Karabakh, in effect denying Russia the unilateral right to intervene. During the same time, despite Russian objections and not-so-veiled threats, Azerbaijan signed a multibillion dollar contract with a British consortium to develop oil and gas fields in the

[41] Migranyan, "Rossiya i blizhnee zarubezh´e."

[42] Goble, "Turning the Cold War on Its Head."

[43] Paul Quinn-Judge, "Clinton's Russia Policy: Between Desire and Reality" in Ra´anan and Martin, *Russia: A Return to Imperialism?* at 182.

[44] S. Frederick Starr, "Power Failure: American Policy in the Caspian," *The National Interest* (Spring 1997): 20–31, at 20.

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Caspian Sea. President Aliyev survived a (Russian engineered?) coup attempt and, apparently undaunted, pressed ahead with more plans to involve U.S., Turkish, and other Western companies in plans for petroleum extraction and pipeline development. Despite continued Russian pressure, Western political and economic support for the once-isolated Georgian and Azerbaijani governments had begun to make a difference. Stephen Blank argued that "... [OSCE and US actions] show that local governments working with the West can moderate or even rebuff Russian neo-imperial pretensions."[45]

In 1995, the West became even more active in the region. Partnership for Peace was extended to all states, thereby giving them an enhanced connection with the Western security community. More intense discussions over new pipelines were conducted, with Western companies and governments throwing their weight behind routes from the Caspian to Georgia and Turkey, thereby bypassing Russia. Western investments increased, with pledged funds reaching $30 billion in Azerbaijan alone by the end of 1997. Shevardnadze, Nazarbaev, and Aliyev all traveled to Washington, signing multibillion dollar agreements with American oil companies and also receiving promises of greater economic and security cooperation from the American government and international bodies. In 1996-1997, American delegations also made high-profile trips to the region, promising more foreign aid and investment, closer ties with NATO, and suggesting that "international" (meaning non-CIS) peacekeepers be deployed in the region. The United States also took a more active diplomatic position in both the Nagorno-Karabakh and Abkhazian disputes, subtly pushing the Russians off center stage and thereby decreasing the Caucasian states' dependence on Moscow. U.S. paratroopers were even flown in nonstop from the United States to participate in Partnership for Peace exercises in Kazakhstan, a projection of U.S. power that most certainly tweaked Russia's nose.

Now in a stronger political position, these states' criticism of Russian policy has become more pronounced. At an October 1997 CIS summit in Kisniev, Aliyev flatly rejected creating a CIS committee on regional conflict and instead supported the creation of a special partnership between Azerbaijan and NATO. Shevardnadze has suggested a Bosnian model to resolve the Abkhazian question—implying a stronger role for NATO at the expense of Russia—and has made overtures to Ukraine in an attempt to counter Russian influence. Despite loud Russian protests, Azerbaijan and Georgia were expected to complete a new pipeline to the Georgian port of Supsa by late 1998–early 1999, which would loosen the Russian chokehold on Caspian oil. Even the once compliant Nazarbaev has adopted a tougher tone with Moscow, complaining about Russia's heavy-handed role on Caspian issues, trade, and Russian minorities. He has also endorsed alternative pipeline proposals, including one that would run through China. One report suggested that the new turn in Kazakh-Russian

[45] Stephen Blank, "Russia and Europe in the Caucasus," *European Security* 4 (Winter 1995): 622–645, at 625.

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relations shows that Nazarbaev has dropped "kid-glove" handling of Russia while eagerly expanding ties with Western countries.[46]

How is Russia responding to these changes in the Great Game? There has been obvious concern, and Yeltsin categorically stated that the West was trying to "nullify Russia's presence" in the CIS.[47] Frederick Starr suggested that for many Russians, watching Western moves in the region is "like seeing Indians take back the prairie."[48] Nonetheless, there is also a certain recognition among Russian policy makers that they, as much as they might want to, cannot issue a decree and squeeze the West out of the region. Focusing on the new strategic partnership between the United States and Azerbaijan, one Russian report conceded that "Russia will have to take that into account . . . and make concessions on many international issues."[49] The region is no longer a colony, a "backyard" belonging exclusively to Russia. These states are less vulnerable to Russian coercion, and direct military intervention is not a practical option, as events in Chechnya clearly showed. One report, written in late 1997 by two analysts who earlier endorsed a Monroe Doctrine for the CIS, concluded that Russian policy makers would now have to recognize "geopolitical pluralism on the territory of the former USSR."[50] Vice Prime Minister Valerii Serov added that these new states were now in a "totally different position in comparison with their situation in 1992," because now they had "freedom of choice with whom to build relations."[51] Gradually, Russia appears to be readjusting its policy and becoming more neighborly. As Moscow has agreed that multiple pipelines will be needed to ship Caspian oil, it has altered its position on the legal status of the Caspian Sea and is warmer to multilateral solutions to regional conflicts.

Ultimately, of course, Russia cannot be pushed out of the region. It is too close, and the United States is far away. But, as U.S. Senator Mitch McConnell (R–KY) told his Georgian hosts in August 1997, "The Americans are here to stay."[52] Put another way, Washington will not allow Moscow to dominate the region.

Russian foreign policy appears to be adjusting in a conciliatory manner to this expanded Western role and Moscow's diminished power. Under permissive conditions, Russian policy was bullying, and weaker states caved in to Russian pressure. As these states improved ties with the West and thereby reduced their vulnerability, Russians were forced to either apply more pressure or seek

[46] Sergei Kozlov, "Bol'she ne budiet ustupok iz Nazarbaeva," *Nezevisimaia gazeta*, 7 October 1997.

[47] *RFE/RL Daily Report*, (23 September 1997).

[48] Quoted in Dan Morgan and David Ottaway, "US Woos Oil-Rich Former Soviet Republics," *Washington Post*, 22 September 1997.

[49] Asya Gadzhizade, "Moskve nado uladit'sia," *Nezavisimaia gazeta*, 16 August 1997.

[50] Konstantin Zatulin and Andranik Migranian, "SNG posle Kishineva: nachalo kontsa istorii," *Sodruzhestvo NG*, no. 1, December 1997, 1–2.

[51] Quoted in Ekaterina Tesemnikova, "Moskva namerena pridat' SNG vtoroe dykhanie," *Nezavisimaia gazeta,* 18 December 1997.

[52] "US and the Great Game in Pursuit of Caspian Riches," *Turkistan Newsletter* 1 (24 October 1997).

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compromises. After the events in Chechnya, it became clear to many that a hard-line policy or a preventive war would not be effective. Lacking the means and perhaps the will to be more assertive, Russian policy has become less aggressive in the face of expanding Western influence.

Conclusion

What can we say about Russian foreign policy, both in terms of how it is shaped and how it responds to the West? It is obviously true that there has been an intense debate about foreign policy in Russia's domestic political arena. In particular, pro-Western approaches have been attacked as being too naive, weak, and not consistent with Russia's interests. There was also a shift toward greater interest in the CIS, and foreign policy rhetoric became much more assertive. This coincided with the rise of more nationalist actors and forces at home, and this assertiveness is consistent with a domestic-politics explanation of Russian foreign policy, one of the bases upon which the pro-engagement camp builds its case.

However, the evidence above indicates that concerns about relative power and international constraints and opportunities do better to explain actual changes in Russian policy, and the distinction between rhetoric and policy deserves emphasis. In short, one finds that Russia acts more assertively against weak target states when Western policy is either disinterested or in disarray. In contrast, when target states become more powerful (often due to Western involvement, as is clear in the cases of Ukraine and Azerbaijan) or when the West adopts a unified policy that will brook no Russian opposition (as in Bosnia and in NATO expansion), Russia backs down from rhetorical threats and tries to save face by getting the best deal it can at a negotiating table. Notably, when Russian foreign policy undergoes this shift, there is no discernible change in domestic coalitions or even in public opinion. Nor does Western pressure automatically lead to a strengthening of anti-Western positions within Russia, as many academics and policy makers have argued. For example, in 1996–1997, as the West pushed ahead with NATO expansion and expanded links with some of Russia's neighbors, there was no noticeable increase in the political fortunes of Russian hard-liners. On the contrary, in 1997 the Russian government became more reform-oriented at home and backed away from confrontations with the West on foreign policy.

To put the matter clearly in realist terms, Russian interests, as reflected in actual policy, are defined more by power than by the position on the "winning side" in the domestic foreign policy debate. Russia has adopted a less assertive position in the CIS, for example, not because new interests and actors have advocated change, but because Russian power is insufficient to counter a growing international presence in the area. Russia acquiesced to NATO expansion because it would have been difficult and counterproductive to carry out its pre-

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viously-made threats. In short, policy changes as a result of opportunities and constraints in the international environment.

The policy implications are obvious, if not perhaps a bit ominous. Russia is largely a paper tiger. It may be able to talk like a great power, but its capabilities are limited. When faced with a determined Western policy, it will back down. Conversely, Western inaction appears to give only encouragement to those advocating a more assertive and confrontational policy from Moscow. The West, therefore, should and can limit Russian power and influence by asserting itself in areas such as the near abroad and perhaps even get away with pushing NATO up to Russia's frontier. In short, containment worked, is working, will work. Or, to quote Lenin, "If you meet steel, stop. If you meet mush, push on."

This conclusion, however strikes me as a bit too extreme. First, Western policy should be tempered. The West has not simply shoved its policy down Russia's throat. With respect to both NATO and the Bosnian conflict, a sugar-coating of sorts was placed on the bitter pill, as some Russian concerns were taken into account. In the CIS, the West has wisely backed away from establishing a formal alliance or military bases, and is realistically trying to assert its own interests without pushing Russia entirely out. Second, one should not overstate the Russian threat. The mainstream Russian foreign policy of the pragmatic nationalists envisions a realistic partnership with the West and is not overly anti-Western.[53] The West, therefore, need not and should not try to isolate Russia. Finally, any Western foreign policy must recognize a host of mutual interests with Russia, above all preserving peace on the Eurasian continent. Where possible, the West must be willing to work with other states, including Russia, to realize these common objectives. Cooperation has produced results in Bosnia and Kosovo and must remain a priority. However, the West can and should continue to pursue a more balanced policy, such as pushing engagement with other post-Soviet states, even if this displeases Moscow.

This article has argued that while the West should not indiscriminately throw its weight around, Western assertiveness can be effective. We can do business with a pragmatic, nationalist Russian foreign policy elite. Carrot and stick schemes such as behavioral regimes to influence Russian policy and protect Western interests would appear to have a good chance of success.[54] The United States need not cede to Russia a special sphere of influence or give it a veto over NATO policy. Prudence is required, but the West can be confident of its ability to define and defend its own interests while pursuing partnership with Russia.

[53] This point is emphasized by Malcolm et al., *Internal Factors*, 87–88.

[54] Ted Hopf, "Managing Soviet Disintegration: A Demand for Behavioral Regimes," *International Security* 17 (Summer 1992): 44–75.

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The Paradox of Clinton Winning and the Presidency Losing

RICHARD M. PIOUS

Constitutional crises affect the political strength, institutional resources, and prerogatives of the presidency. Andrew Johnson's narrow acquittal in his impeachment trial was followed by thirty years of what was described by Woodrow Wilson as congressional government. After Richard Nixon resigned the presidency, Congress passed framework laws providing itself with a collaborative role in developing budgetary, fiscal, diplomatic, intelligence, and military policies, and an independent counsel that helped check the Reagan administration in the Iran-contra affair. How will President Bill Clinton's impeachment and acquittal affect the post-Monica presidency? A public law approach to the study of the presidency would tot up all the White House legal wins and losses, note all the precedents established or reaffirmed, and conclude that Clinton had lost badly in the courts, therefore weakening the presidency. In technical and institutional senses this is true, but why then is Clinton still in office and standing tall? If the Office of Independent Counsel (OIC) won so many legal victories, why was Independent Counsel Kenneth Starr unable thereafter to indict Clinton, Hillary Rodham Clinton, or the proverbial ham sandwich? Why, at the end of the day, did Congress refuse to reauthorize the Office of Independent Counsel? The theory of prerogative power may be useful in putting the legal backlash against Clinton's claims in the context of a strong political frontlash effect that saved Clinton and doomed Starr.[1]

Presidential Cover-ups

The Clinton scandal involved private behavior, but this aside, the cover-up followed prior patterns: Clinton mortgaged himself to those involved in his affairs,

[1] See Richard Pious, *The American Presidency* (New York: Basic Books, 1979), 47–84.

RICHARD M. PIOUS is Adolph and Effie Ochs professor of political science at Barnard College. He has published numerous books and articles on the American presidency.

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and he paid interest to have his secrets kept. But as with Watergate, the cover-up was more serious than the underlying activity. Typically, the White House responds to scandal by debasing language, offering plausible denials, and circling the wagons. The initial denial is that nothing happened: no spy plane flew over the Soviet Union, no American officials ordered the assassination of foreign leaders, the White House knows nothing about any Cubans arrested in the Watergate, no one sold arms to Iran, and "I did not have sex with that woman. Ms. Lewinsky." The subsequent denial is that not much happened: a NASA weather plane flew off course, the CIA conducted rogue operations against foreign leaders, Watergate was a "third rate burglary," only one small planeload of arms was sent to Iran, and the president was "stalked" by Monica Lewinsky. The final line of factual defense is that something did happen, but the White House wasn't to blame: the U-2 affair involved NASA, Watergate involved the Committee to Reelect the President and a Central Intelligence Agency operation, private arms dealers and Israel conducted the Iran-contra affair, and a "right-wing conspiracy" was out to get Clinton by entrapping him. The president, of course, has nothing to hide: NASA is conducting an investigation; Nixon is cooperating fully with the special prosecutor; the Tower Commission is conducting a full investigation of the arms sales to Iran, and Clinton will tell "more rather than less, sooner rather than later."

When these ploys fail, the White House moves from arguing the facts to arguing *ad hominen* or *tu quoque* (you're just as bad): Soviet leader Nikita Khrushchev is the issue because he torpedoed the Paris Summit; Cuban Premier Fidel Castro is the issue because he exported communism in the Americas; Democrats are the issue because they sympathized with the Sandinistas; Independent Counsel Kenneth Starr is the issue because he violated due process. The final defenses are legal and constitutional. Presidents and their defenders argue either that the means were reprehensible but the ends defensible (U-2 spying, "wet operations" against adversaries, trading arms for hostages); that any violations that were committed were "technical" at worst (as in the Iran-contra affair), or that the actions may have been indefensible in the general sense but not in a legal context (Clinton's defense). Nixon referred to Watergate not only as a third rate burglary, but also as a "botched" burglary, as if the principle "no score, no harm" should lead to the conclusion "no penalty for the foul." Clinton's defenders argued after the president admitted an "inappropriate relationship" with White House intern Monica Lewinsky that it was a private consensual affair and if anything a low and not a high crime. Presidents also claim that separation of powers is at stake, so that even if the president may have committed an offense, Congress should give the president a pass rather than weaken the institution.

These defenses don't always work. Nixon stonewalled and then mounted a full-scale defense of his prerogative powers. He not only failed in the courts of law but also in the court of public opinion; and facing a revolt within his party, he finally resigned—a classic case of "overshoot and collapse," since his claims to prerogative power were characterized as an "imperial presidency" and

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lacked popular support. President Ronald Reagan learned from Nixon's mistakes. He denied any knowledge of illegal activities but acted in a spirit of seeming cooperation with Congress. He ordered an inquiry and urged Attorney General Ed Meese to apply to the federal courts for appointment of an independent council to conduct an investigation. He distanced himself from the participants and pledged corrective actions. He appointed the Tower Commission to study the national security decision making and testified before it (later announcing implementation of its recommendations), expressed his regret about the diversion of funds, waived all claims of executive privilege and provided evidence (including his own testimony) to the courts, and allowed examination of his personal diaries. He refused to pardon anyone. These actions hardly seemed to a majority of Americans consistent with the charges that the president either had prior knowledge of illegal matters or was engaged in a cover-up. Public opinion rallied to Reagan, and the Democrats recognized the folly of attempting to bring him down.

The eclectic Clinton borrowed from both the Nixon and Reagan tactics, but also improvised his own. He denied an affair with Lewinsky but initially claimed the relationship was complex and later that it was inappropriate, and promised that he would eventually provide a complete explanation—at least until his acquittal, after which the White House indicated that no explanation would be forthcoming. Yet from the very beginning, he insisted on a zone of privacy: "This matter is between me, the two people I love most—my wife and daughter—and our God," he insisted in a televised address. He publicly proclaimed willingness to cooperate with the independent counsel (as Nixon had done at various points during the investigation); but like Nixon, both White House counsel and his private lawyers mounted a vigorous defense of his prerogatives in the courts.

Although his cover story failed, Clinton's constitutional position remained impregnable. At no time did the American people or even a majority in the Senate accept the idea propounded by the Republican congressional majority and the independent counsel that having sex and covering it up constituted a "High Crimes and Misdemeanor." This anomalous result is unprecedented. There has never been a case, other than that involving the censure of President Andrew Jackson, in which the president's political position improved as a result of such a crisis. Moreover, Clinton's political and constitutional positions on impeachment improved just as his institutional position on testimonial privilege crumbled in the courts and in Congress. In fact, Clinton demonstrated convincingly that the independent counsel's winning campaign in the legal thickets of the federal courts would not result in a victory in the main event—impeachment.

Claims of Immunity

The first of Clinton's legal defenses consisted of the claims that he was immune to civil and criminal suit while he held office, even for acts committed before his term.

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Civil Immunity

Presidents enjoy close to absolute immunity for official acts: courts have provided protection up to the "outer limits" of the president's official duties, excluding arguments based on malicious motive or intent (the qualified immunity test, which requires good faith) or the impact of their actions. The controlling case is *Nixon v. Fitzgerald.*[2] Ernest Fitzgerald, a civilian defense analyst, had blown the whistle on cost overruns involving strategic weapons, and Nixon fired him in a "reorganization." When Fitzgerald sued, lower courts denied Nixon's claim of absolute immunity; but these rulings were overturned by the Supreme Court in a 5-4 decision written by Justice Lewis Powell. The court here reaffirmed a prior ruling in *Butz v. Economou*, in which it had recognized *qualified* immunity for federal officials but had provided for *absolute* immunity if they were engaged in functions analogous to those of judges and prosecutors and if public policy required it.[3]

This two-tier functional test was borrowed from the common law involving state officials and from prior federal court cases, which had generally provided immunity not for the office but for specific governmental functions.[4] The Supreme Court in *Fitzgerald*, using a functional analysis of presidential power, extended absolute immunity to the president up to the outer limits of his official actions. The court reasoned that the president should be shielded not only from the lawsuits that he otherwise might face, but also from a sense of vulnerability to suit that might affect his decisions and from the diversion of energies that would be required to defend against suit. It concluded that the remedy that remained was impeachment.

Some legal commentators thought the immunity granted to Nixon was overbroad, especially since the court seemed to reject the functional approach it had taken with regard to legislators, judges, and presidential aids in the companion case, *Harlow v. Fitzgerald*, which offered less immunity to aides than to the president himself.[5] Here also the court passed up an opportunity to specify the kind of presidential functions that would be immune because a private damages action would substantially impair it.[6] Nevertheless, many commentators believed that similar reasoning about vulnerability and diversion of energy would apply to lawsuits referring to a president's private activities.

[2] *Nixon v. Fitzgerald*, 457 U.S. 731 (1982).

[3] *Butz v. Economou*, 438 U.S. 478 (1978). (Emphasis added.)

[4] *Clinton v. Jones*, 520 U.S. 681 (1997).

[5] *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).

[6] The dissent by Justice Byron White in *Nixon v. Fitzgerald*, 457 U.S. 731 at 762–800, pointed out that absolute immunity for other officials under *Economou* extends only to narrow functions and not to the outer reaches of their office. The scope of immunity, White went on, should be determined by the function performed and not by the office held. Dismissal of officials is not a presidential function that should be immune from suit—particularly when the official involved was helping Congress perform its legislative function.

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Paula Corbin Jones, an Arkansas state employee, sued Clinton in 1994 for private and not public acts, and for those committed before he became president, not while he was in office.[7] Jones alleged that Clinton made sexual advances to her at the Excelsior Hotel in Little Rock, at a time when she was working at the Arkansas Industrial Development Commission and Clinton was governor of Arkansas. Jones claimed that she had been deprived of equal protection and due process constitutional rights, that Clinton had conspired with state trooper Danny Ferguson to deprive her of equal protection rights, that Clinton had intentionally inflicted emotional distress, and that Clinton had defamed her character. The president denied all the allegations, and his lawyers filed a motion to dismiss, claiming absolute immunity on a functional basis and because of his status as commander-in-chief. (Military officers, which Clinton claimed to be, cannot be sued by civilians in a federal court.) Federal District Judge Susan Weber Wright rejected this claim: "Nowhere in the Constitution, congressional acts, or the writings of any judge or scholar," she held, "may any credible support for such a proposition be found."[8] Instead, acting under Rule 40 (giving judges discretion in setting trial dates) she accepted the president's request for a delay until the end of his term, so that he would not be forced to "devote his time and effort to the defense of this case at trial while in office."[9] Meanwhile, discovery could proceed. Both Clinton and Jones, dissatisfied with this halfway decision, filed appeals, and Clinton won a stay against immediate discovery.

Clinton argued in the Court of Appeals 8th Circuit that Jones's suit was not urgent or important and "certainly not consequential enough to trump [his] claim to temporal immunity from suit."[10] Clinton also made a political argument: he referred to a "moral annihilation" approach taken by his opponents, whom he claimed had recruited plaintiffs to "neutralize, disable or divert a President" from his public policy objectives. This argument was then combined in a separation of powers claim: "because a federal court will control the litigation, the [Judiciary] necessarily will interfere with the Executive Branch through the court's scheduling orders and its powers to issue contempt citations and sanctions." A divided Court of Appeals affirmed the district court's denial of Clinton's motion to dismiss. Even worse for Clinton, it reversed the order granting temporary immunity until the president left office. The court stated that it could not find a case in which a public official had been granted immunity from suit for unofficial acts, and it rejected the "unimportance" test, holding that Jones was "constitutionally entitled to the equal protection of the laws."[11]

[7] *Jones v. Clinton*, 869 F. Supp. 690 (1994). Prior to Clinton, only three presidents (Theodore Roosevelt, Harry Truman, and John Kennedy) had been sued for actions occurring before they entered office, and these cases had been resolved before trial, shortly after the presidents were inaugurated.

[8] *Jones v. Clinton*, 869 F. Supp, 690 (1994).

[9] Ibid., at 698.

[10] "Memorandum in Support of Clinton's Motion to Dismiss on Grounds of Presidential Immunity."

[11] *Jones v. Clinton*, 72 F. 3d 1354 (8th Cir., 1997).

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There was to be no delay in trial, and the district court was to accommodate itself to Clinton's schedule under the Rules of Federal Procedure.

The Supreme Court affirmed, holding that presidential immunity extended only to actions in the term of office. Rejecting the "burden of litigation" premise of *Fitzgerald*, the justices held that defending against suit would not be too much of a burden. "But really, the notion that he doesn't have a minute to spare is just not credible," Justice Antonin Scalia observed during the oral argument of Solicitor General Walter Dellinger. The justices believed that Jones's suit would not infringe on presidential power: in one sense they were right, because the case involved purely private behavior and could not affect presidential prerogatives. But they underestimated the impact that a lawsuit could have on the presidency. Had it wished, the court could have decided the other way, because even without hindsight, what was known at the time about the financing and sponsorship of the case and its exploitation by right-wing politicians in the media could have been taken into account by the justices under the burden of litigation argument.

Until Congress or the Supreme Court says otherwise, presidents will remain exposed to litigation for acts they committed prior to entering office, and that means their enemies can harass and burden them with the political and financial costs of defense. Rule 11 of the Federal Rules of Civil Procedure offers the president little protection against politically motivated lawsuits: although it allows dismissal of cases brought for improper purposes, the president must demonstrate that the claims lack evidentiary support and are not well-grounded, and this is almost impossible to do in advance of a trial. Congress could overrule the Supreme Court and provide a limited presidential term immunity by revising these rules to permit a simple showing that litigation had political origins; but until that happens, the Jones ruling stands as the precedent and as an invitation to pursue a legal strategy against the White House.

Criminal Immunity

Is a sitting president immune from criminal prosecution? The language of the impeachment clause of the Constitution is not clear on this point, simply stating that: "judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law." It is clear "the party convicted" is subject to indictment. But what about a sitting president who has not been impeached or has not yet been convicted by the Senate? The constitutional text does not provide an answer, and no federal court has ever ruled on the issue.

One possibility is that the Constitution has set the order of proceedings: a president must be impeached and convicted before an indictment can be brought. As Robert Bork has argued, the Framers "could not have contem-

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plated that the entire, solemn [impeachment] procedure could be short-circuited by a jury of 12 citizens selected virtually at random."[12] Another argument in favor of this interpretation is that allowing courts to act concurrently would usurp the power of the House. And if the courts acted first, that could be said to preempt the House or color its subsequent actions. Alternatively and much more plausible is that the constitutional language simply limits punishment for impeachment and disposes of questions about double jeopardy, and therefore has nothing to say about indictment of a sitting president before, during, or after impeachment. In any event, there is no textual provision about criminal immunity or indictment or trial in the Constitution, in the Convention proceedings, or in state ratifying conventions on which to build an original intent interpretation.[13]

Arguments by legal commentators involve structural analysis about federalism (the need to prevent the possibility of indictment by a state jury), separation of powers, and functional analysis of the executive office.[14] Some emphasize the supremacy of law, others make the argument that government would be paralyzed if the president were indicted. One can make an aurgument that there is deference owed to a coordinate branch of government, particularly to singular power: indict a president and the executive power will be affected because the president is the only official who exercises it. Indictment and prosecution could be considered a de facto, albeit temporary removal of the president from office, because the incumbent would be preoccupied in preparing for a trial. We do know that the Framers rejected a proposal to suspend an impeached president from office, which could be viewed as an analogous situation giving us clues to their wishes as to how much interference against a president they wished to permit.

There are precedents involving federal judges: a Court of Appeals in *United States v. Isaacs* ruled that a sitting federal judge could be indicted prior to impeachment and removal.[15] These precedents do not extend to the president, and the Supreme Court has not ruled on the claim of presidential criminal immunity. On two occasions, in *Mississippi v. Johnson* and in *United States v. Nixon*, it sidestepped the issue even when raised by White House counsel.[16] All we have from the Supreme Court is dicta, and not even relevant dicta at that: in *Langford v. United States*, for example, a case involving an appeal from the

[12] Robert Bork, "Clinton, Out of Reach," *New York Times*, 3 February 1999.

[13] Hamilton argues in *The Federalist*, No. 65, that impeachment must precede a trial.

[14] Federalism issues are also at stake. Could a state prosecution be permitted? Most commentators argue that the president is a national official elected by the entire nation, who cannot be held hostage to a locality or state's powers. See *McCulloch v. Maryland*, 4 Wheat. 315 (1819).

[15] *U.S. v. Isaacs*, 493 F. 2d 1124 (1974).

[16] *Mississippi v. Johnson*, 4 Wall 475 (1867). In oral argument in *United States v. Nixon*, James D. St. Clair, Nixon's attorney, stated that the language demonstrated the intent of the Framers to require removal prior to indictment. "It is hardly reasonable or sensible to consider the President subject to such prosecutions."

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Court of Claims about a taking of private property, the Supreme Court observed that the maxim "the king can do no wrong" has no existence at law in the United States, and that the Constitution specifically provides that in cases in which the president does wrong, his wrongs are not to be imputed to his "ministry," but "has provided, by the proceeding of impeachment, for his trial from wrong-doing and his removal from office if found guilty." The Court went on to draw an analogy between the British ministry and the U.S. president: "the ministers personally, like our President, may be impeached; or if the wrong amounts to a crime, they may be indicted and tried at law for the offence." Even so, the dicta do not address the issues of when the president may be tried or if a president who has not gone through impeachment and been convicted may be tried while in office.[17]

Through the Bush presidency, no sitting president had ever been indicted for a criminal offense: even Nixon was named as unindicted coconspirator, because the special prosecutor did not believe that he could be indicted while in office. A prosecutor intent on indicting a sitting president moves into uncharted waters. The president could argue that he remains prosecutor-in-chief and could order the Justice Department to drop the indictment if brought by a U.S. attorney. He could also order the independent counsel to drop the case, arguing that his executive power trumps the statute in this instance. A prosecutor intent on bringing the case would likely fight back; if a president were willing to pay the political costs, he then could have the attorney general remove the independent counsel for acting unconstitutionally in bringing the indictment or for acting in violation of Justice Department policy (which goes back to Watergate) that a president cannot be indicted while in office.[18] Given the decision by two prosecutors in the Nixon and Clinton cases to proceed with impeachment referrals rather than to indict, it can be argued that the precedent has been established that impeachment precedes indictment, though it remains an open question whether a president such as Clinton, acquitted in an impeachment case, may subsequently be indicted while in office. (As of this writing, it seems that Starr has decided not to pursue an indictment against either of the Clintons.)

Could a president pardon himself if indicted, or pardon others involved?[19] Or could he temporarily claim disability, turn the office over to the vice president under the 25th amendment, accept a pardon from the acting president, and then declare his disability over and resume his office? The language of the Constitution provides for a presidential pardon power "except in cases of Impeachment." This could be taken to mean that he (or his successor) cannot pardon anyone, himself included, who has been impeached, is being tried, has been convicted, or might have committed a crime related to an impeachment proceeding. According to this interpretation, a president could not pardon himself

[17] *Langford v. United States*, 101 U.S. 341 (1879), at 343.

[18] Department of Justice, "Brief of Robert Bork, Solicitor General, 1973."

[19] Brian Kalt, "Pardon Me? The Constitutional Case against Presidential Self-Pardons" *Yale Law Journal* 106 (1996): 779–809.

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in any matter involving impeachment, nor could an acting president pardon him. But a more restrictive interpretation of the pardon power is simply that it may not be used to negate a Senate conviction or to end an impeachment trial in progress. And we do know from Gerald Ford's pardon of Nixon that the pardon power does extend to an expresident who has been involved in crimes that constituted charges in an impeachment proceeding, albeit a proceeding that was aborted by resignation.

Checks and balances would surely come into play in resolving these issues: the federal courts have indicated in prior decisions that the exercise of the pardon power is reviewable. A president who pardoned himself to forestall indictment might well be inviting his own immediate impeachment.[20] The issues remain theoretical, since Clinton followed the Nixon and Reagan precedents and did not grant pardons to anyone involved in the scandals.

Testimonial Privileges

The second line of Clinton's legal defense was that even if he did not have immunity from suit, he did have testimonial privileges that would allow him or White House lawyers and aides to refuse to provide evidence in civil and criminal cases.

Providing Testimony

Presidents have always had to provide testimony and other evidence in criminal cases. In 1807, sitting as trial judge presiding over a grand jury in the treason trial of former Vice President Aaron Burr, Chief Justice John Marshall issued a subpoena for documents (to be reviewed in camera) from President Thomas Jefferson, and the president had the trial counsel provide the court with an edited version of the materials, which Burr accepted. James Monroe sent interrogatory letters to a court when served with a subpoena in the trial of one of his appointees, after his attorney general advised him that he was required to give evidence. Ulysses Grant provided a deposition in a case involving cabinet corruption. Richard Nixon was required to furnish tapes to the Watergate grand jury. Gerald Ford gave testimony on videotape against Squeaky Fromm, the woman who tried to assassinate him. Ronald Reagan gave videotaped testimony in the Iran-contra affair, and a district judge examined his diary in camera.

Nevertheless Clinton, like his predecessors, did what he could to delay or narrow the scope of the inquiry, and as in all such cases, negotiations between the president's lawyers and those of the prosecutors eventually resulted in an

[20] Joel B. Grossman and David Yalof, "The 'Public' versus the 'Private' President: Striking a Balance Between Presidential Responsibilities and Immunities," *Presidential Studies Quarterly* 28 (Fall 1998): at 830.

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agreement to provide evidence. On 27 July 1998, Starr had the grand jury issue a subpoena to Clinton to testify before a grand jury, but by early August the subpoena was withdrawn as part of an agreement between the White House and Starr that the president would testify voluntarily. Clinton also agreed to turn over DNA evidence. The bargaining with Starr was over logistics and limits, not over the principle that the president would have to testify. Past precedents were clear: the courts would have enforced the subpoena. But the question of what testimony or evidence the president would have to provide remained to be litigated or negotiated, with the president claiming various testimonial privileges.

Executive Privilege

Since Washington's time, presidents have asserted the constitutional right to refuse to divulge to courts or Congress information or the substance of deliberations leading to their decisions. They have claimed that presidential communications were privileged, as well as deliberations by themselves and their aides while decision was pending. Their claims covered briefing materials, memoranda from aides offering advice, and transcripts of their discussions. Presidents have refused to divulge military, diplomatic, or sensitive national security secrets, intelligence information and operations, atomic energy technology, war plans, diplomatic strategy, FBI investigative files, and other national security matters. Executive privilege (the phrase was coined by Dwight Eisenhower's Attorney General Herbert Brownell) has been asserted not only by the president, but also by aides who speak not only to the president, but among themselves.

Some testimonial privilege are statutory. Congress has often passed laws making it a statutory duty for the president to keep material secret, and courts have been reluctant to examine material the president claimed was secret under these laws. Eventually laws gave courts procedures to examine evidence in state secrets cases, but Congress made sharp distinctions about protection of information relating to official duties rather than private matters. The Freedom of Information Act does not cover private acts of the president, nor does it cover criminal activities of the president.[21] Presidents also make constitutional claims based on their duties as commander in chief, their diplomatic functions, their executive power and responsibilities under the Oath of Office, and claim that, taken in the aggregate, these provisions of the Constitution create the privilege. They also use a functional analysis to justify withholding evidence, describing the burdens of office, the need for candor and confidentiality, and the damages to the interests of the nation. In *U.S. v. Nixon* the Supreme Court, while ruling that Nixon had to turn over evidence in camera, indicated its appreciation of these functional arguments, and recognized for the first time the constitutional

[21] 5 *U.S.C.* Sec. 552(b)(5) (1994).

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nature of the privilege as "fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution."[22]

When executive privilege has been asserted against Congress, the issues have usually been resolved by bargaining: thus Reagan in 1986 gave Congress access to documents written by William Rehnquist when he was an assistant attorney general in the Justice Department, in order to get Rehnquist's nomination to be chief justice of the United States through the Senate. This remained true during the Clinton presidency. In 1995 the president handed over Whitewater documents and in 1996 gave over Travelgate documents to an investigating committee after the House moved to cite the White House counsel for contempt. Congress may threaten to use its power of contempt if a subpoena for materials is ignored, which usually results in bargaining and the release of enough information to defuse the controversy. Such was the case in 1981, when Interior Secretary James Watt turned over documents about the Environmental Protection Administration. Bargaining works because the legislature is not in a strong position: federal courts have been reluctant to intervene on behalf of Congress against the White House. The tests are that the information must be absolutely necessary to legislate, must not be available by other means, and must be related to the legislative power.[23] In the Watergate scandal, for example, the federal courts upheld Nixon's claim of executive privilege against the Senate committee, holding that the committee did not need the information in order to formulate legislation to end campaign finance abuses involved in the scandal.[24]

In determining executive privilege claims made by the president in grand jury proceedings or trials, the courts do not make a presumption that the president's claim is valid. Instead, the precedents have established that a claim may be made on the basis of national security or the public interest, but not simply to protect the president's personal interest in avoiding legal process or to shield criminal wrongdoing. The presumption is in favor of the grand jury and against the president at the indictment stage. At the trial stage, neither the White House nor the prosecutor is given the presumption: the evidence has to be important to resolve the case, not obtainable elsewhere, admissible as evidence, and likely to be decisive in order for the trial judge to rule that it must be produced for consideration by the trial jury. Officials in the Clinton administration successfully asserted executive privilege on several occasions prior to the impeachment crisis. Judge Patricia Wald held in *In re Sealed Case* (*Espy*) (1997) that executive privilege extends to presidential advisers, because they must be able to discuss policy options without fear of disclosure, otherwise it would affect the quality of presidential advice.[25] The circuit court held that a communications privilege applied to White House aides.

[22] *U.S. v. Nixon*, 418 U.S. 683 (1974).

[23] *Barenblatt v. U.S.*, 360 U.S. 109 (1959).

[24] *Senate Election Committee on Presidential Campaign Activities v. Nixon*, 498 F. 2d 725 (1974).

[25] *In re Sealed Case* (1997) 121 F. 3d. 729 (D.C. Cir. 1997), at 748–752.

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It was a different matter when Clinton asserted the privilege to shield two aides, Bruce Lindsey and Sidney Blumenthal, from testifying about White House strategy in the sex scandals before a federal grand jury. "They will argue that privileges are sacred, that they are fundamental," Independent Counsel Kenneth Starr argued. "But the Supreme Court says we have to bear in mind first principles, which is, they are in derogation of the search for truth." Starr argued that there was no other way to get evidence: "It is not going to be on paper and it's not going to be on tapes. It will be conversations between human beings." White House lawyer Neil Eggleston argued for a "zone of confidentiality" so the president could make decisions in the national interest. He claimed that "the conversations over which they are asserting privilege were had in the context of their official duties in advising the president on his official functions." Starr responded that "executive privilege is being widely, sweepingly invoked to prevent matters that do not touch upon the slightest presidential prerogative, power, or activity."[26]

In a sealed opinion on 6 May 1998 (the contents of which were leaked to the media), Federal District Court Judge Norma Holloway Johnson agreed with Starr's arguments and ruled against the White House. Clinton's grounds were not only weak, they were also inconsistent: Clinton could only raise it to cover official conduct, and he could only raise it about matters of national security or in the public interest. Since the White House was arguing that the scandal was a private matter about consensual sexual relations, it could not very well argue the contrary position required to assert the privilege.

After losing in the lower court, Clinton's legal team dropped the executive privilege claim and concentrated on the more defensible attorney-client privilege. This was both legally and politically adroit: Clinton did not want to pay the political costs of making the same kind of claim that Nixon had used in Watergate, and of having a case entitled *U.S. v. Clinton* decided against him by the Supreme Court. Since Lindsey claimed to know nothing, and since Blumenthal's testimony involved side issues not directly related to Clinton's culpability (he was to be questioned about orchestrating "attack politics" against the independent counsel, charges which he would deny), the stakes were low and the White House could cede the ground. Yet there were institutional costs that would be paid later: Clinton's use of the claim to buy time for himself and gain political advantage gave his assertion of executive privilege the same bad odor as in the Nixon case, making it harder in the future for presidents to assert it in more legitimate circumstances.[27]

Attorney-Client Privilege

Attorney-client privilege is the oldest testimonial privilege in English law, stemming from the reign of Elizabeth I, when it was recognized so that attor-

[26] Transcripts from *Legal Times*, 15 June 1998, 8–9.

[27] Mark Rozell, "Executive Privilege in the Lewinsky Scandal: Giving a Good Doctrine a Bad Name," *Presidential Studies Quarterly* 28 (Fall 1998): 816–820.

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neys would not have to violate their honor as esquires by testifying against their clients. Counsel held the privilege in those days; today it is the client. Disclosure of matters discussed by either cannot be compelled nor voluntarily disclosed when the client sought legal advice. But not everthing conveyed by a client is immune from compelled disclosure by the courts in civil cases or by grand jury subpoena in criminal cases, and not all lawyer-client relationships are covered. Furthermore, when a private attorney does breach the privilege and makes a voluntary disclosure, the evidence is not suppressed nor is the case thrown out. Government-induced breach of the privilege (that is, by pressuring or tricking an attorney for the defendent) does not warrant dismissal, but in such cases the evidence obtained may not be used at trial.

The rationale for the privilege is that if clients believe that what is discussed with attorneys may be disclosed, they will withhold information, and the attorney's legal advice will be based on incomplete knowledge. A lawyer's obligation to advise the client to comply with the law will be diminished if the lawyer is not told all the facts by a client fearful of involuntary disclosure. This is perhaps a naive formulation of the role of lawyers, but an argument to which federal circuits are sympathetic.[28] The privilege is therefore a social good, which enables lawyers to provide effective legal advice to clients on a broad range of issues that may have consequences for others in the society besides the client, and the benefits of this social good outweigh the costs in an individual case of withholding evidence at a trial.

Courts and commentators differ in their view of the privilege, with some believing it should be a narrow exception to the general principle that the jury is entitled to "every man's evidence." Therefore a balance should be struck between the evidentiary claims of the grand jury and the need to preserve the integrity of the relationship between client and counsel. The balance must be struck case by case, weighing the costs of intruding on the relationship against the benefits of providing relevant evidence to the jury. Others argue for a broad interpretation that would create a zone of absolute privilege to be protected automatically, regardless of the necessity in an individual case. The Supreme Court has never embraced the broad position, and in several cases has quoted the balancing approach approvingly.[29] Similarly, Congress in the 1980s refused to adopt proposed Federal Rule of Evidence 503(c), which would have overturned these balancing decisions in the common law to provide a broad testimonial attorney-client privilege. Instead, it left the contours of the privilege to the courts.

In both Whitewater and the sex scandal, the Clinton White House invoked attorney-client privilege. Because lawyers in the Office of the White House Counsel and top-level political aides in the White House Office who happened

[28] *Natta v. Hogan*, 392 F. 2d 686 (10th Cir, 1968).

[29] *United States v. Bryan*, 339 U.S. 323 at 331 (1950); *Elkins v. United States*, 364 U.S. 206 at 324 (1960); *United States v. Nixon*, 418 U.S. 683 at 710.

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to be lawyers were involved, novel legal questions were raised: Does the attorney-client privilege extend beyond private lawyers retained by the president to include lawyers on the White House staff? Is privilege waived for these government lawyers if nonlawyers are present during the conversations, or if private lawyers are present and the president's personal legal matters are being discussed? If a privilege exists involving these government lawyers, what are its limits?

When the independent counsel moved to compel Lindsey and Blumenthal to testify before the grand jury, Clinton invoked lawyer-client privilege, arguing that even when the president faced private litigation (such as the Jones case) the advice he is given about the case by government lawyers is covered. The White House argued that the advice given by the government lawyers involved the constitutionally mandated duties of the president and how best the president could perform them while facing private litigation. It noted that the independent counsel might submit a referral to the House alleging impeachable offenses. Any advice sought by the president to deal with the threat of impeachment is, by its very nature, official—not private. Blumenthal was being subpoenaed because Starr believed that he was behind a campaign to discredit several attorneys working in the Office of Independent Counsel. In his case, the privilege would be invoked because the White House argued that the OIC can have no legitimate interest in the White House staff's discussions of political or legal strategy or whether anyone in the White House might have spoken unfavorably about the OIC. As far as the White House was concerned, the privilege was broad, and it argued in its motion that any intrusion into privileged communications must be narrowly focused and specifically justified.

The district court granted the independent counsel's motion to compel testimony and ruled against the White House.[30] It rejected the attorney-client claim on the grounds that the OIC had shown both need and the unavailability of alternate means of obtaining the information. It held that the attorney-client privilege of a government lawyer does exist, but that it is qualified in the grand jury context and may be overcome upon a sufficient showing of the need for the communication. The president, in his personal capacity through his private attorneys and in his official capacity through government lawyers, appealed to the Court of Appeals for the D.C. Circuit. The OIC petitioned the Supreme Court to review the district court's decision on the privilege issue and then return the case to the appeals court. Instead, the Supreme Court denied certiorari and indicated that "the Court of Appeals would proceed expeditiously to decide the case."[31]

The appeals court then ruled against the White House.[32] While under certain circumstances a government attorney-client privilege exists, the party

[30] *In re Sealed Case (Espy)*, 121 F. 3d 729 at 757–758.

[31] *United States v. Clinton*, 118 S. Ct. 2079 (1998).

[32] *In re: Bruce R. Lindsey (Grand Jury Testimony)*, 158 F. 3d 1263 (USDC, 1998).

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claiming the privilege bears the burden of proving that the communications sought were protected and that there is no presumptive privilege which the OIC would be bound to rebut. The court noted that the privilege could only be invoked when the government official was acting as a lawyer by providing an opinion law, legal services, or assistance in some likely legal proceeding. Consultation with a lawyer in a nonlegal capacity (friend, adviser, and negotiator) did not involve privileged communications. It would be up to the proponent to prove to the court that the attorney was proffering legal advice; and a White House aide, with mixed responsibilities such as Lindsey, would have to demonstrate that the advice given was legal rather than political or administrative. While the court then rejected most of Lindsey's claims (finding his discussions were not covered), it did find that at least one of Lindsey's conversations did concern "the seeking of legal advice," and so it was able to render a decision on whether that advice was privileged.

Clinton assumed that the OIC had to demonstrate a compelling need for an exception from the privilege; the OIC assumed the president had to demonstrate a compelling reason for an extension of the privilege. The court held that when the independent counsel is appointed by the Special Division, he or she assumes certain statutory powers and "acts in the role of the Attorney General as the country's chief law enforcement officer."[33] So the court now framed a classic balancing test: "competing values arise when the Office of the President resists demands for information from a federal grand jury and the nation's chief law enforcement officer." The court went on to define the contours of the privilege, and in a way that was significantly narrower than the White House would have liked. It held that, "When an executive branch attorney is called before a federal grand jury to give evidence about alleged crimes within the executive branch, reason and experience, duty, and tradition dictate that the attorney shall provide that evidence." The take-care clause puts that responsibility on the president and on those who work for him. Various statements of the ethical responsibilities of government lawyers, as well as statutory duties imposed on all government employees to report crimes to the attorney general, also argued against the president's claim of privilege. The public interest requires that government attorneys report evidence of criminal behavior among government "clients."[34] Finally, the court took up the question of potential impeachment by the House. It held that to the extent a privilege existed for Lindsey to assert, it would be executive privilege and not lawyer-client privilege, since impeachment would take place in a political context and "is fundamentally a *political* exercise." Whether Congress might then abrogate executive privilege or attor-

[33] Ibid., at 1271, citing 28 *U.S.C.* sec 594(a).

[34] In a related Whitewater decision, the 8th Circuit Court of Appeals pointed out that "to allow any part of the federal government to use its in-house attorneys as a shield against the production of information relevant to a federal criminal investigation would represent a gross misuse of public assets." *In re Grand Jury Subpoena Duces Tecum*, 112 F. 3d 910 at 921 (8th Cir. 1997).

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ney-client privilege in the course of an impeachment proceeding, the court added, "may well constitute a nonjusticiable political question."[35]

The White House made the sweeping claim that Lindsey could assert attorney-client privilege under the "common interest" doctrine. That is, when a client shares an overlapping common interest with the primary client, privileges may be asserted. Here the primary client was Clinton the private individual, and government lawyers working for "the presidency," a different client, shared a common interest with the primary client (to keep him out of jail) and therefore could assert the same privilege that the lawyers working for the primary client might assert. The Appeals Court held that the common interest existed between Clinton the individual and Clinton the occupier of the Office of President, but the existence of a common interest was the start, not the end, of its analysis. Even when such a common interest exists, the court held, it did not remove the responsibility of government officials "not to withhold evidence relating to criminal offenses from the grand jury." And so Lindsey, by virtue of the fact that he was a government attorney, had the same responsibility to disclose information, regardless of whether he obtained it from the president or from the president's private attorneys.

Even without congressional action, hardly any attorney-client privilege remained after these holdings. The court did allow Lindsey to assert the privilege when he acted as an intermediary, conveying information to or from the president's private lawyers, except information that would shield evidence of possible criminal misconduct from the grand jury. But it would not cover situations in which Lindsey made his own contributions to the conversation as an "extra lawyer" advising the president on personal matters.

The appeals court put lawyers who advise the president on the same plane as all other executive officials who might be in a position to advise the president. "Only a certain conceit among those admitted to the bar could explain why legal advice should be on a higher plane than advice about policy, or politics, or why a President's conversation with the most junior lawyer in the White House Counsel's office is deserving of more protection from disclosure in a grand jury investigation than a President's discussion with his Vice President or a Cabinet Secretary."[36] This holding was good news for the nonlawyers who serve the institutionalized presidency, since they would not be at a comparative disadvantage in terms of testimonial privileges; and no Gresham's law of employment would operate (bad lawyers with testimonial protections driving out good nonlawyers without these protections in order to protect the president). But it was bad news for the president, since it stripped all his aides of testimonial protections under most circumstances in which they had knowledge of the president's private legal matters.

[35] *In re: Bruce R. Lindsey (Grand Jury Testimony)*, 158 F. 3d 1263 (USDC, 1998), at 1277. (Emphasis in original.)

[36] Ibid., at 1278.

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Work Product Immunity

Hillary Rodham Clinton lost a case when she asserted attorney-client work-product privilege in an attempt to block a grand jury subpoena requiring the production of all documents created during meetings attended by the Office of Counsel regarding Whitewater matters.[37] A lower level White House lawyer had taken extensive notes of conversations with Mrs. Clinton involving Whitewater. When Starr demanded that the notes be turned over for examination, the White House refused. In Arkansas, Judge Susan Weber Wright ruled that the independent counsel could not have the notes. The decision was overturned by the 8th Circuit Court of Appeals, which ruled that attorney-client privilege did not extend to worknotes of a government lawyer. The White House counsel contended that it did not have to produce the documents, since private lawyers had also attended the meetings, which dealt with the personal legal matters of the Clintons. The Appeals Court held that the White House could not use the privilege to withhold potentially relevant information from the grand jury. Work product immunity would not apply in claims by White House counsel, because claims could only cover "the White House" and "the Office of President," neither of which (as abstract institutions) could be sued for damages or face criminal prosecution. The only damage the White House might face is political, which is not covered. Only the Clintons, as private individuals, face lawsuits or criminal prosecution; and so only their private attorneys could claim work product immunity in anticipation of defending them in trials.

Privileging the Deceased

In only one Whitewater case was attorney-client privilege upheld. In 1995, the independent counsel had a grand jury subpoena three pages of notes from James Hamilton, a private attorney who had represented White House Deputy Counsel Vincent Foster before his death. He wanted to find out what Foster might have known about the Clinton's involvement in the Travelgate affair. Starr argued that attorney-client privilege died when the client died, which in his case was nine days after Hamilton had taken notes on a conversation with Foster. He argued that clients would not much care what happened to evidence after they died. The district court, in *In re Sealed Case*, ruled that Starr could not subpoena the notes, because they were protected by attorney-client privilege.[38] But the appeals court reversed, 2-1.[39] It held that risk of revelation would have no chilling effect on client communication, and used a balancing test to allow the evidence in criminal cases. The Supreme Court overruled the appeals

[37] *In re Grand Jury*, 112 F. 3d 910 (1997).

[38] *In re Sealed Case*, Nos. 95ms00446, 95 ms00447, June 25, 1998, District Court for the District of Columbia, June 25, 1998 (sealed).

[39] *In re Sealed Case*, 124 F. 3d, 230 (1997).

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court and in a 6-3 decision ruled that attorney-client privilege extends to deceased clients.[40] Chief Justice Rehnquist held that the case law generally presumes the privilege survives; that the burden of proof rested on the independent counsel to require a departure from this common law rule; that there was no reason to suppose that grand jury testimony about confidential communications furthers the client intent; that knowing that it will remain confidential encourages client-attorney communication; and that a client cannot know whether the information will be used in civil or criminal proceedings, so it has to remain applicable to both. The case had little importance for the presidency, at least if one assumes that most aides will not predecease the incumbent.

Protective Function Privilege

The independent counsel subpoenaed Secret Service personnel to testify, including Larry Cockell, the head of the presidential detail, and six uniformed officers. Secretary of Treasury Robert Rubin blocked their appearance before the grand jury, claiming "protective function privilege." No agent had ever testified before about matters seen or heard while guarding a president, though agents had testified when crimes had been committed such as assassination attempts against the president. "What's at stake here is the protection of the life of the President and his family and the confidence and trust that a President must have in the U.S.S.S.," former President George Bush observed in a letter to Lewis C. Merletti, director of the Secret Service.[41] Two other ex-presidents, Carter and Ford, favored requiring the agents to testify. Merletti also was against testifying: "It is no exaggeration to say that the difference of even a few feet between a President and his protective detail could mean the difference between life or death."[42] Faced with an adverse decision, a president in future situations would "seek to push the protective envelope away. . . ."[43] Agents have never had confidentiality agreements, and so there was no contractual grounds or legal precedent for Clinton's claim. A general statute applicable to all government officials could be construed to require agents to report to the Justice Department any evidence of a crime involving any government employee.[44]

The Department of Justice argued that if the Secret Service provided "sources of information about the President" it would "severely damage, if not destroy, the fundamental relationship of trust and confidence that must exist for the Secret Service to effectively protect the President." It described protection of the president as a fundamental national interest, giving rise to an absolute testimonial privilege with regard to this function "while in physical proximity to the President." The privilege would not cover actions or statements "sufficient to provide reasonable grounds to conclude that a felony has been, is

[40] *Swidler v. Berlin*, 118 S. Ct. 2081 (1998).

[41] George Bush letter to Lewis Merletti, 15 April 1998.

[42] "Declaration of Lewis Merletti," 12.

[43] Ibid., 27.

[44] 28 USC Sec. 535(b).

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being, or will be committed." The Office of Independent Counsel made equally sweeping claims. Not only did it want Secret Service agents to have no testimonial privilege, it also invoked a law that gives the OIC the prosecutorial authority of the attorney general, and claimed that it had the corresponding authority of the attorney general to receive reports about the commission of a felony from all government officials, including members of the Executive Protection Service.[45]

The Federal District Court did not find the administration case compelling. Judge Norma Holloway Johnson ruled that the agents would be required to testify, following the holding in *U.S. v. Nixon* that testimonial privileges "are not lightly created nor expansively construed, for they are in derogation of the search for truth."[46] Rule 501 of the Federal Rules of Evidence gives courts the power to create new privileges, and federal courts have done so when these privileges have some history in common law, enjoy broad state support, and have public policy implications. But there was no federal history of such a privilege, no history in federal common or statutory law, and no indication that Congress wished to recognize such a privilege, since it had mandated the president and vice president by law to accept the presence of the Secret Service without providing for testimonial privilege. Congress could have created such a privilege to override its requirement that all executive branch personnel must report criminal activities to the Justice Department but did not do so in the case of the Secret Service. No state has such a privilege in common or statutory law.

Judge Johnson did not believe that the president would "push away" his protectors simply because they could be required to testify. "When people act within the law," she observed, "they do not ordinarily push away those they trust or rely upon for fear that their actions will be reported to a grand jury." She noted that "The President has a very strong interest in protecting his own physical safety."[47] The court had difficulty accepting the White House contention that the Secret Service itself, rather than the president, would have the privilege, because if so, the agency (or the Treasury Department) could then waive it at any time. A Republican Treasury secretary might waive the privilege involving a Democratic ex-president. How then would judicial recognition of such an "agency" privilege give the White House confidence of confidentiality? Conferral to the agency itself would do nothing to increase the president's confidence that his conversations would be protected. The court concluded that the privilege had not been properly invoked, because the president himself had not invoked it.

[45] 28 USC sec. 594. Also sec. 535(b)(1), provides that "any information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of title 18 involving Government officers and employees shall be expeditiously reported to the attorney general, unless the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law."

[46] *In re Sealed Case*, No. 98 ms00148, May 22, 1998; quoting *U.S. v. Nixon*, 418 U.S. 683 (1974) at 708.

[47] Ibid.

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The OIC motion to compel testimony from the agents was upheld by a three-judge panel of the D.C. Court of Appeals, per curiam.[48] Unlike the district court, the appeals court did not find the lack of prior precedent determinative. But it held that the Secret Service would have to demonstrate with a high degree of clarity and certainty that the proposed privilege would advance the public good. It would need to present a compelling empirical case, something the Justice Department's arguments failed to do. The court took exception to the Department's argument that agents may not testify about events unless they recognize at the time that they are a felony or a misdemeanor, and that even actions which they later find to be felonies are protected if they did not recognize them to be so at the time: "The exception would prohibit testimony (and thus thwart the search for truth) even in cases where the evidence, viewed in the light of subsequent events, would supply a key element in the proof of a serious crime." The Appeals Court noted that no other privilege is asserted by an agency other than the White House, so the effect of the privilege would not only be diminished while he was in office, but would likely be even more eroded once out of office, with the Treasury under control of a new administration. As for public policy issues, the court noted that the president is in danger when he is in public spaces, but the privilege is asserted to cover the president when he is in offices and his residence as well, and when he has the least need to guard his privacy. The court concluded that "the likelihood of success before the Supreme Court is insufficient to warrant further delay in the grand jury's investigation."[49]

Chief Justice Rehnquist then denied emergency requests for a delay.[50] While the case was pending before the Supreme Court, the OIC was allowed to question witnesses from the Secret Service, none of whom, as it turned out, provided testimony that was conclusive as to what the president might have done in the Oval Office. The Supreme Court eventually declined to review the Court of Appeals' decision, with only Stephen Breyer and Ruth Bader Ginsberg dissenting.[51]

Had Clinton not asserted an overbroad privilege in this case, the law of protective function privilege might have evolved more slowly, perhaps through a common law accretion of federal case law. The courts might have allowed agents to make motions to quash subpoenas that serve no legitimate law enforcement goal or are only tenuously related, with the Supreme Court coming down with a decision similar to *Branzburg v. Hayes*, in which reporters can get out of testifying, even though no general testimonial privilege has been recognized by the courts.[52] But an overbroad White House claim and weak legal arguments ended any possibility that the courts would recognize such a privilege

[48] *In re Sealed Case*, 148 F. 3d 1073 (D.C. Circuit, 1998).
[49] Ibid.
[50] *Rubin v. U.S.*, 119 S. Ct. 1 (1998).
[51] *Rubin v. U.S.*, 119 S. Ct. 461 (1998).
[52] *Branzburg v. Hayes*, 408 U.S. 665 (1972).

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in the absence of congressional action. The Court of Appeals indicated that it would leave to Congress the question of whether protective privilege is appropriate and what it should cover.

Civil Contempt

When the federal courts upheld the principle that the Jones litigation would continue while Clinton was in office, it specifically rejected the argument made by the White House that the case should be delayed. If it were to proceed, the federal court would then be able to exercise its power to issue contempt citations and sanctions—a power which the White House believed would be inappropriate against a sitting president.

Thus the threshold question as to whether the president is subject to contempt of court sanctions had already been answered before Clinton was deposed. On 17 January 1998, he provided his testimony at the Jones trial in which he stated, "I have never had sexual relations with Monica Lewinsky." Clinton later claimed that the definition of "sexual relations" provided by Jones's lawyers did not cover his particular activities with Lewinsky and that his testimony had not been false. But after providing DNA evidence to the independent counsel that matched a sample on Lewinsky's dress, Clinton admitted on 17 August 1998 in grand jury testimony to an "inappropriate intimate relationship" with Lewinsky. Ordinarily in a civil lawsuit, false testimony results in a fine, not in a judgment of contempt of court. But on 1 September 1998, Judge Susan Weber Wright indicated the possibility of holding Clinton in contempt in a court order in which she stated her "concerns" about Clinton's prior testimony, "given his recent public statments" admitting an inappropriate relationship. She then held off taking any actions while the impeachment inquiry was underway, in deference to Congress. On 12 April 1999, she did hold Clinton in civil contempt—the first president to be held so while in office. Clinton was ordered to pay Jones's legal expenses caused by willful failure to obey the court's discovery orders, as well as the judge's travel expenses (she had gone to Washington to take Clinton's deposition). Judge Wright concluded that, "It is difficult to construe the president's sworn statements . . . as anything other than a willful refusal to obey this court's discovery orders." She held that his statement had been "intentionally false."[53] Wright also deferred the matter to the Arkansas Supreme Court Committee on Professional Conduct for further disciplinary action.

Wright construed her contempt powers narrowly, to show respect for a coordinate branch of government. They were limited to "determining the legality of the President's unofficial conduct," not his duties in office. Moreover, they would not include jail time, since "the court recognizes that significant constitutional issues would arise were this court to impose sanctions against the Presi-

[53] Excerpts from *The New York Times*, 13 April 1999.

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dent that impaired his decision making or otherwise impaired him in the performance of his official duties." Finally, her holding came down after the impeachment controversy had ended; it followed a long judicial tradition in which judges avoid rendering decision in the midst of political controversy involving executive power, and in which their decisions come down after institutional conflicts between president and Congress have been resolved.[54]

Conclusion: Legal Backlash v. Political Frontlash

Clinton fared poorly in the courts, losing almost all the cases and all the general principles about immunity and testimonial privileges. If presidents almost always win in national security, diplomatic, and war powers litigation, they almost always lose in the courts when asserting prerogatives in what are really domestic disputes. In cases involving private actions, they are even more vulnerable: Clinton was unable to make any specific claims of harm to the national interest, only a tautological claim that if he were damaged, the presidency would be damaged as well. The courts never look favorably on prerogative power when they smell delaying or obstructive legal tactics by the president's lawyers. They do not look kindly on sweeping presidential claims when national security matters are not involved. Clinton's lawyers generally made such claims of privilege and argued that there was no reason for an exception to a general rule, but the general rules they proclaimed had never been recognized by the courts. Judges do not like to rule against precedents in executive power cases, and there were already precedents in place that tilted the scales against the White House. Courts usually show great deference to legislative intent, and in issues of testimonial privilege the intent of Congress was not to shield the president or his agents. Finally, although federal courts try to fashion decisions that show respect for a coordinate branch of government, their respect diminishes proportionally to the lack of respect shown to them, particularly when they can smell bogus arguments.

Yet winning or losing in the courts was not really what Clinton's political strategy depended upon. Instead, the White House attempted to make the issue the prosecutorial abuse of power and violation of the rule of law. It was an attempt to substitute one valence issue (the rule of law) for others (adultery, perjury, and obstruction of justice). Clinton was weak on the facts and weak on the law: it was a different story when it came to political justice. Clinton may be the first president ever to gain political and institutional strength in the midst of an impeachment crisis and in its aftermath. The theory of the prerogative

[54] See *Ex Parte Milligan*, 71 U.S. 2 (1867), in which the Supreme Court's lecture to Abraham Lincoln on the limits of martial law took place a year after the Civil War was ended and Lincoln was already dead. By waiting until the Jones case had been settled, however, Wright may have exceeded her powers under Rule 37(b)(2), which provides for civil contempt only so long as "the action is pending." Since the action has been settled, it could be argued on appeal that only a criminal contempt citation is a valid punishment.

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power of the presidency offers some explanation for these counter-intuitive results. First, the president was caught in a classic checks and balances confrontation with the independent counsel and the judiciary, and it gave rise to cases that the White House could not win. The legal arguments used by the White House involved typical blunders: sweeping Trumanesque and Nixonesque pronunciamentos of presidential prerogatives, which were brushed aside by the courts, often contemptuously. But second, it is also clear that none of these cases mattered: they were all defending presidential prerogative in the abstract. In the nitty gritty of actual grand jury proceedings, Starr was unable to use his legal victories as ammunition to make anyone into a sympathetic witness. Once the principle was established that Lindsey, Blumenthal, Secret Service agents, Mrs. Clinton's counsel, and others had to appear before grand juries, the practicalities were that none had anything incriminating to reveal. And some, like Susan McDougal, become folk heroes in their resistance, particularly once acquitted and released triumphantly from jail.

Clinton in the courts lost prerogatives that the presidency had often claimed but had never really possessed—which means he had lost nothing. Starr, on the other hand, lost everything by pursuing his own overly aggressive legal strategy and by doing so in ways that seemed to many commentators to involve violations of due process and of the civil liberties of witnesses and defendants. While the OIC was winning all the abstract cases of constitutional law, his actual prosecutions were bogged down, and the Clinton White House was winning the battle of definitions and framing. As Starr and his Republican allies in Congress went down in the polls, Clinton and his Democratic defenders went up.

To pursue the point further, it seems that the Clinton legal strategy was a variation of his more generalized approach to politics. Clinton often positions himself simultaneously in three different ways. He stakes out a position on the liberal-conservative ideological dimension, usually trying for a position in the center that holds his followers and splits off Republican moderates. He looks for valence issues (hot button issues on which voters take absolute positions about what is good and what is bad and which admit of no compromise) to turn up the heat on his opponents. He scales up or down the size of his commitment so that he can portray himself as being reasonable and his opponents as being extremist. In budget politics, for example, Clinton tried to seize the ideological center on the issues, and he won the the valence issue by claiming that Republicans were responsible for shutting the government down. In military engagements such as the air war against the former Republic of Yugoslavia, Clinton similarly positioned himself in three ways: the scalar dimension (how much do we commit and how extensive are our war aims?) and valence issue (war crimes committed by the Serbs) as the central foci.

In the legal battles of 1998, Clinton recognized that winning or losing in the courts was far less important than winning or losing public opinion, which could be done by seizing the middle ground along the three dimensions. Clinton and his defenders defined his opponents as extremist right-wingers (the ideological

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dimension), as prosecutorial zealots out to penalize him and others excessively (the scalar dimension), and as moral busybodies and sex-crazed voyeurs (the valence dimension). The White House would later use the same strategy against House and Senate Republicans in the impeachment battle: utilizing the instruments of public opinion management to define Republicans as ideological extremists and moralists out to win a disproportionate penalty against him by unfair means in ways that would affect everyone's personal liberties.

In the theory of prerogative power, a presidential decision may lead to a backlash or frontlash effect. If the president is checked by the courts, counterbalanced by Congress, loses party and public support, and his actions are not accepted as legitimate, then even if he wins the day, the backlash against his actions makes them less likely to be attempted again. Conversely, a frontlash occurs with a president whose policy is successful, accepted by the public, embraced by his party, acquiesced in by the opposition, is likely to find the courts deferential and Congress acquiescent or supportive. The expansion of presidential prerogative is likely to be legitimized for future presidents to assert.

The Clinton strategy accepted the inevitable backlash in the courts to gain the time to manufacture a frontlash effect in public opinion. The two were related, because the longer the issues dragged on in the courts, the worse Starr would do in the court of public opinion, and the more the public would want the scandal to go away. Clinton enjoyed high poll ratings from beginning to end, no matter how many legal battles he lost. The plebiscitary defense he employed in his impeachment (the people's will, expressed in two elections and the polls, should be respected by Congress) trumped the federal court outcomes. The adverse decisions of the federal courts would have no impact on Clinton's fate, something that Clinton understood intuitively far better than his adversaries ever did.

Even so, these federal court decisions have consequences for Clinton's successors. They have opened up an era of presidential vulnerability, because they have stripped away presidential legal immunities and testimonial privileges. They have also made it explicit that White House counsel, staff members, and even Secret Service personnel are witnesses—even potential informers—for independent counsels (if the position is ever reestablished) or special prosecutors appointed by the attorney general to investigate the president. There is no one that the president can talk to in confidence except his spouse; even for his personal lawyers, only limited testimonial privileges remain.

The costs for a president of mounting legal defenses are enormous, and the fundraising to defray them has serious implications. In his first term, Clinton established the Presidential Legal Expense Trust Fund, authorized to pay personal legal fees and related expenses for proceedings commenced after the president assumed office but unrelated to his official duties. Although the Office of Government Ethics issued a letter determining that the trust was proper, Judicial Watch (a conservative litigation group) filed suit asking for injunctive relief to prohibit the trust from collecting or disbursing funds. It argued that

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the trust was actually a federal advisory committee, giving policy advice to the president, and had to comply with the Federal Advisory Committee Act. The government and the trust argued that the trust was not an advisory body, and a federal court agreed, holding that even if advice were given, it would have been given on private and not governmental matters. It dismissed the case, as did the Court of Appeals for the District of Columbia.[55] The Clintons subsequently dissolved the first fund (which raised $1.3 million but had to return $639,999 in illegal contributions) and organized the Clinton Legal Expense Trust, which sent out 600,000 solicitation letters and received $4.6 million in funds from 50,000 or so donors through 1998. The $10 million or so the Clintons have incurred in legal fees (including $2 million to defend against impeachment) will partially be defrayed by these committees.

In the future, the high costs of litigation will leave presidents financially vulnerable unless Congress makes some provision for indemnification. One could argue that this is a good thing, since these costs might deter illegal behavior. But it also leaves presidents vulnerable to a litigation strategy pursued by their enemies that can pin them down with frivolous or trumped up charges. Legal expenses leave presidents prey to conflict of interest as they raise funds for private trusts. The Clinton Trust tried to deflect criticism by putting limits on the types of contributions it would accept. It did not accept money from noncitizens (unlike the first fund), registered lobbyists, or executive branch employees. But most people who seek influence with the White House are neither registered lobbyists nor government employees. Unlike the first fund, which at least had a $1,000 a year limit for individual donors, the reorganized fund had a limit of $10,000, and large contributions by well-heeled friends of the president were common. Third-party funds, established by several presidential aides as well as by the Clintons, are not subject to federal gift statutes or conflict of interest regulations, leading students of ethics in government to question whether disclosure has been adequate to prevent conflicts of interest.[56]

In theory, subjecting the president to legal process makes him more accountable; in practice, the establishment of trust funds to meet high litigation costs leaves the president vulnerable to contributor pressure and conflicts of interest, all of which, along with the huge funds presidents raise for campaign and party financing, further erodes both the democratic accountability and legitimacy of the office and its potential for leadership in both routine affairs and crises.

[55] *Judicial Watch, Inc. v. Hillary Rodham Clinton, et al.*, 76 F 3rd. 1252 (1996).

[56] Kathleen Clark, "Paying the Price for Heightened Ethics Scrutiny: Legal Defense Funds and Other Ways Government Officials Pay Their Lawyers" *Stanford Law Review* 50 (November 1997): 65–138.

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Getting into the Black: Race, Wealth, and Public Policy

DALTON CONLEY

Wealth ownership is the socioeconomic measure that displays the single greatest racial disparity in America today. Blacks own, on average, one-twelfth the amount of property as whites, and this gap in net worth continues to grow even in the post-civil rights era. The importance of this asset inequality cannot be understated. If one takes an intergenerational view and measures class by going beyond labor market measures to include property ownership, then many dynamics previously seen as rooted in an alternative or "underclass" culture among African Americans should in fact be viewed as a result of economic inequality. In many instances, the effects of race are dramatically obscured by the impact of class dynamics and economic resources.

For example, if we simply contrast blacks and whites without regard to socioeconomic background, we find that African Americans are more likely to drop out of high school and less likely to complete college, that they are employed for fewer hours and earn less money per hour than whites, that they have lower levels of wealth, and that they are more likely to have a child out of wedlock or to use welfare as young adults. But if we statistically compare blacks and whites who are similar in terms of their individual characteristics (age, gender, number of siblings, and, in some analyses, education and income levels), their family backgrounds (parents' age, whether they grew up in a female-headed household or one that used welfare), and their class origins (parents' education level and occupational prestige, as well as their family's permanent income, net worth, and types of assets), we find that these racial differences change significantly in magnitude and sometimes even in direction. For instance, when class background is equalized, blacks are just as likely as

DALTON CONLEY is associate professor of sociology and director of the Center for Applied Social Science Research at New York University. He is author of *Being Black, Living in the Red: Race, Wealth and Social Policy in America* and the forthcoming ethnographic memoir, *Honky*.

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whites to have completed college. When we take into consideration parental assets, we find that the black-white wealth gap among young adults disappears. Racial differences in the chance of using welfare among this age group also vanish.

In certain analyses, race remains a significant predictor of life outcomes, sometimes in the same direction we would expect from anecdotal evidence or summary statistics. For instance, even when we control for class background, African Americans still tend to be employed for fewer hours and are still more likely to have children outside marriage—although these differences are greatly reduced in magnitude. For other outcome measures, race has a counter-intuitive net effect when class differences are taken into consideration: in certain class-based models, black workers who are employed full time enjoy a wage advantage over whites; additionally, net of family background, the latest cohorts of African Americans are more likely to graduate from high school than are their white counterparts.

While the impact of race varies depending on which outcome we examine, in almost all instances socioeconomic variables have a much greater impact in predicting outcomes than does skin color or racial identity for young adults who have grown up since the landmark civil rights legislation of the 1960s. These findings represent both good and bad news for policy makers, since money is a lot more transferable than race. But the important racial gap in wealth that stems from generations of black-white inequality is not easily remediable, because it largely results from past dynamics rather than from a dearth of "equal opportunity" in the post-1960s world. If wealth differences could be rectified by providing equal access in housing and credit markets, a policy solution would be clear. But class differences that result from the wealth of one's parents are not so easy to redress.

Racial Policy in the United States

Over the course of the twentieth century, African Americans have occupied a precarious position in the realm of social policy. The origins of the American welfare system lie in the Social Security Act, signed into law by President Franklin D. Roosevelt in 1935. This piece of legislation bifurcated the welfare state—not coincidentally—along racial lines. One part included insurance-like programs geared toward workers who had "paid" for their benefits over the course of their working careers. Programs of this type include Old Age Insurance (Social Security), unemployment insurance, and Medicare health insurance (which was added during the 1960s). These programs became sacrosanct, with almost unanimous support because of their universal nature. But they were not so universal when it came to African Americans. To a great extent, blacks were initially excluded from these programs, because the programs did not cover the agricultural or service industries in which African Americans

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were predominantly represented. These industries were excluded in part as an attempt to keep southern Democrats in the New Deal coalition.[1]

The other half of the New Deal system consists of what we commonly call welfare. Under the assumption of full employment—upon which the New Deal architects based their legislation—this portion of the safety net would serve only those who could not work, such as widows or the disabled. Since full employment was never achieved, however, either through the free market or by government fiat, welfare programs ended up as the source of support for the chronically poor. Aid to Dependent Children (ADC), which later became Aid to Families with Dependent Children (AFDC) and is now Temporary Assistance to Needy Families (TANF), is the main income-support component of welfare. As a result of economic inequality, blacks find themselves overrepresented among the recipients of TANF and Medicaid (the health insurance component of welfare that was added during the 1960s). These welfare programs—nonuniversal and disproportionately nonwhite—have always been the target of political budget cutters and the site of highly moralistic political debates.

At the same time that welfare became implicitly racialized, a semi-explicit racial policy was emerging in the form of affirmative action. I call this policy "semi-explicit," because it is not really a coherent policy as much as it is a series of executive orders and Supreme Court rulings that hold together as a federal statement about race. The seeds of affirmative action were planted by Executive Order 8802, signed by Franklin Roosevelt, which "outlawed segregationist hiring policies by defense-related industries that held federal contracts."[2] As Manning Marable describes, President Harry S Truman later directed the Bureau of Employment Security "to act positively and affirmatively to implement the policy of nondiscrimination."[3] Not until the Kennedy administration, however, was the actual phrase "affirmative action" used in Executive Order 10925. Surprisingly, it was under the Republican Nixon administration that affirmative action became particularly aggressive. In 1969, the federal government instituted what later became known as the Philadelphia Plan. This was the first program that specified explicit quotas for minority hiring. It targeted federal contractors and resulted in the percentage of racial minorities in the construction industry rising from 1 percent to 12 percent. Richard Nixon also tried to promote minority business ownership through set-asides of government contracts for minority-owned businesses. His administration also placed Federal Reserve funds in black-owned banks.[4]

Targeted goals for minority representation—that is, quotas—were struck a serious blow by a 1978 Supreme Court ruling, however. In the *Bakke* decision,

[1] Theda Skocpol, *Social Policy in the United States: Future Possibilities in Historical Perspective* (Princeton, NJ: Princeton University Press, 1995), 219.

[2] M. Marable, "Staying on the Path to Racial Equality" in G. E. Curry, ed., *The Affirmative Action Debate* (Reading, MA: Addison-Wesley, 1996), 4.

[3] Ibid.

[4] Ibid., 7.

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Justice Lewis Powell wrote that it was unconstitutional for the University of California at Davis to set aside sixteen slots for minorities in its medical school although the university was in fact permitted to use race as a factor in its admissions policy.[5] A series of court decisions following *Bakke* further curtailed affirmative action. The most serious challenge came at the state level in the form of California's Proposition 209, the California Civil Rights Initiative (CCRI). This ballot measure, which passed 54.6 percent to 45.4 percent in November 1996, banned the use of race or gender preferences in state employment, contracting, and education. It has so far withstood court challenges.

The consequences of this initiative were felt almost immediately. In the state's premier public law school, Boalt Hall School of Law at the University of California, Berkeley, admissions of African Americans dropped by 80 percent to a paltry fourteen offers following the passage of Proposition 209. Reports from other campuses suggest that black and Latino enrollment has decreased across the entire University of California system. The effect of Proposition 209 on hiring has yet to be detailed. While nationwide public support for affirmative action varies depending on how survey questions are worded, it is clear from events in California that the policy as it now stands will not stand for long. Even its supporters concede that it needs reform, for it tends to provide the most help to upper-class and middle-class members of minority groups, the individuals within those groups who need it least.[6]

As indicated by welfare's recent reincarnation, if affirmative action is to survive at all, it will likely be in a different form, under a different name. One alternative to the current policy, which has also been suggested elsewhere, is class-based affirmative action.[7] Such a program could maintain set-asides for certain government contractors, demonstrate preferential hiring practices, and facilitate quotas for college admissions; but these decisions would be based on socioeconomic background rather than on race. In trying to remedy the situation at the University of California, for example, officials have now added a questionnaire regarding class background to the admissions packet for law school; it is yet unclear how much of an impact this change will have on the composition of the student body over the long run.

But to be successful in achieving its goal of fostering racial and class equality, such a policy must entail a very specific type of class-based affirmative action. Given the mountain of evidence documenting the importance of wealth in the conception of social class and its particular relevance to issues of racial inequality, any policy that is designed to address the issue of social class must not rely solely on the traditional measures of socioeconomic status (income,

[5] For a discussion of the *Bakke* decision, see L. Chavez, *The Color Bind: California's Battle to End Affirmative Action* (Berkeley: University of California Press, 1998).

[6] For a discussion of the weaknesses of affirmative action, see G. C. Loury, "Performing Without a Net" in Curry, ed., *The Affirmative Action Debate*, 49–76.

[7] For instance, see R. D. Kahlenberg, *The Remedy: Class, Race, and Affirmative Action* (New York: Basic Books, 1996).

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occupation, and education) but must take assets into account. A composite of income and wealth could be constructed by "annuitizing" family net worth (converting it from a stock to an income flow using a specific formula involving the interest rate). By adding this figure to annual parental income, for instance, institutions might be able to construct an appropriate measure on which to judge the resources a student brings to college. Policy makers must, however, be alert to the dangers of using only income, educational, or occupational measures of social class in a system of class-based affirmative action, for this would result in a situation that merely reproduces, if not exacerbates, existing inequalities between African Americans and whites (as well as within those two communities). In lieu of class-based affirmative action, another alternative might entail race-based asset policy.

Race-Based Asset Policy

In the wake of the urban riots of the late 1960s, a thirteen-year-old African American boy told a reporter in Detroit, "There's nothing the matter . . . that money can't solve."[8] There is much wisdom in the diagnosis offered by this adolescent. In order to fully understand the impact of property ownership on a community, it might prove worthwhile to imagine what could have happened during the hot summers of 1965 in Watts or 1968 in Detroit if the majority of businesses in these areas had been black-owned—or, for that matter, what might (or might not) have occurred in Los Angeles in 1992. Although this link between civil unrest and property ownership is pure speculation, perhaps it merits serious consideration.

During the late 1960s, Detroit's automobile industry provided the highest average wages for African Americans anywhere in the United States—yet the city proved to be one of the urban areas most devastated by the civil unrest of the period.[9] This juxtaposition may point to the inadequacy of focusing exclusively on wages and labor market issues when trying to assess the economic situation of African Americans (or any group in society). Would a community have set fire to businesses or homes owned by its brothers and sisters? Whether or not this inverse association between entrepreneurship and civil disorder exists, many commentators in the 1960s and 1970s certainly pointed to the important role of wealth in determining the quality of life in minority communities. "By the highest estimates," according to William K. Tabb, writing in the late 1960s, "blacks service 10 to 15 percent of the black market. . . . While estimates vary, blacks are represented one-tenth as often in ownership roles as their numbers would warrant if ownership was . . . randomly distributed without regard to race."[10]

[8] T. L. Cross, *Black Capitalism: Strategy for Business in the Ghetto* (New York: Atheneum, 1969).
[9] Ibid., 27.
[10] W. K. Tabb, *The Political Economy of the Black Ghetto* (New York: Norton, 1970), 33.

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Even in the case of New York, which was relatively more equitable than other cities, black business ownership was limited to small-scale enterprises. "One million blacks live in the New York City ghettos of South Bronx, Harlem and Bedford-Stuyvesant," wrote Theodore Cross in his 1969 book *Black Capitalism*, "yet those slums are presently operating only twelve registered Negro-owned businesses hiring ten or more people. The most deprived and undeveloped economies of Latin America have greater elements of entrepreneurial affluence."[11] Medium- and large-scale businesses are the types most likely to raise the economic prospects of many members of a community; businesses hiring fewer than ten individuals are most likely family-owned and family-operated and thus have limited ability to provide direct employment opportunities to others beyond immediate kin.

Consequences of this lack of business ownership extend beyond employment opportunities. Because of a dearth of businesses serving ghetto areas, black residents pay higher prices for consumer goods. "As blacks become the dominant residential group (succession), the business community will generally decline in absolute size," notes Karen Stein in the *Journal of Consumer Affairs*, "due to the loss in white-owned businesses and the difficulties inherent in establishing black-owned businesses."[12] The decline in the number of competing enterprises leads to a situation of oligopoly and thus to higher prices for consumers, through the laws of supply and demand. "Hindered by poor transportation systems to outlying shopping centers and a low level of automobile ownership," Stein continues, "the poor are restricted to shopping in their immediate neighborhood."[13] In addition, local merchants often offer credit, which can prove to be a crucial factor in shopping decisions for people in precarious economic circumstances.[14] This scenario is eerily similar to the situation of sharecroppers trapped by their reliance on credit a hundred years earlier in the South. Thus, a dearth of community business proprietorship, a low incidence of family vehicle ownership, and a lack of cash on hand all interact to hurt the efforts of urban black consumers to make it on their given income levels.

In the wake of the urban unrest of the late 1960s, there was much talk of fostering "black capitalism." As described by Tabb, "black capitalism includes programs for minority group members in financing and marketing, and in bolstering self-confidence and business skills."[15] Underlying such proposals to foster entrepreneurship in the African-American community is the assumption that a lack of human capital (in this case, business acumen) causes the lack of black business ownership. If society could only teach African Americans about

[11] Cross, *Black Capitalism*, viii.

[12] K. Stein, "Explaining Ghetto Consumer Behavior: Hypotheses from Urban Sociology," *Journal of Consumer Affairs* 14 (1980): 234.

[13] Ibid., 234.

[14] Ibid.

[15] Tabb, *Political Economy of the Black Ghetto*, 32.

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credit markets and give them a dose of "self-confidence," the problem would be solved, dictated the logic of the time.

Black capitalism programs never took off, however. Instead, "community development" became the most prevalent strategy to foster black wealth accumulation during the 1970s. In this strategy, a nonprofit group called a community development corporation (CDC) acts to attract capital and "funnel it to individual businesses privately or cooperatively owned."[16] Today's equivalents are the community development banks that form part of the "enterprise" or "empowerment" zones proposed by Jack Kemp, former HUD (Housing and Urban Development) secretary (and 1996 vice-presidential candidate) and implemented on a limited basis by George Bush (and continued by Bill Clinton). The enterprise zone strategy works by giving economically depressed communities special tax incentives and a limited amount of capital, in some cases, to foster business development. But this approach does not discriminate between seeding capitalism within the community and luring it from elsewhere. This is a result of the single-minded obsession with creating jobs, rather than fostering business growth, in the black community. Thus, in the end, it is a job-growth program, not "black capitalism."

"In the past, we have made only passing efforts to build wealth and equities in the ghettos of America," summarizes T. L. Cross. "Influenced by reformers such as Jacob Riis, we have taken profits out of the slum when the real objective should have been to build profits into it."[17] He argues that the insistence on control of capital by nonprofit organizations such as CDCs has been a guarantee for failure and, furthermore, sends the wrong message and fosters inappropriate skills in the community. For example, with respect to housing policy, Cross writes, "We have insisted that Federal Housing Administration projects for low-income housing be owned by nonprofit churches or charitable corporations. Real estate entrepreneurs, with the agility to make low-cost housing actually work, have been charged by Congress with unconscionable profits." It is worth noting that the same federal agency ran programs to promote suburban (predominantly white) home ownership after World War II, with no such stipulations on the management of credit and capital. In these programs, Federal Housing Adminstration and Veterans Administration loans went through commercial banks, thus providing a measure of profit and business development as a side benefit to the intended goal of promoting homeownership. "Speculation, the essential lubricant for production of wealth in the normal economy," continues Cross, "has been banished by law from Federally subsidized real estate projects in the slums. To keep the 'quick buck' speculators out of low-income housing, we have adopted strict and impractical safeguards against corruption, which assure us that the legitimate wealth-makers will not participate."[18]

[16] Ibid., 35.
[17] Cross, *Black Capitalism*, 16
[18] Ibid.

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A more radical policy alternative to fostering black capitalism, perhaps inspired by the Nation of Islam and separatist movements of the 1960s, calls for reparations for African Americans. Typically, reparations, such as those paid by Germany after World War I, consist of cash payments made by the losing side to the winning side after a war, as compensation for the losing side's "guilt." The argument for paying reparations to African Americans became particularly refined during the 1970s. One researcher used 1790-1860 slave prices as proxies for the value of slave capital. He then annuitized the prices into an income stream to which he applied compound interest, calculated since the slavery era. The figures he generated under different assumptions ranged from $448 billion to $995 billion at the time he wrote (the early 1970s), "a range which, coincidentally, would encompass the indemnification being demanded by the black nationalist Republic of New Africa (RNA), a prominent black separatist group."[19] However, the RNA demanded $400 billion in addition to five southern states: Alabama, Georgia, Louisiana, Mississippi, and South Carolina (which this researcher estimated to be valued at $350 billion at the time).

In discussing the movement for reparations, Robert Browne laid out a more general framework for calculation of the "proper" amount: "The development of a minimal reparations formula, then, must encompass at least three elements . . . a) a payment for unpaid slave labor prior to 1863; b) a payment for underpayment of black people since 1863; and c) a payment to compensate for the black man's being denied the opportunity to acquire a share of America's land and natural resources when they were widely available to white settlers."[20] Implicit in these arguments is the assumption that the major problem in wealth accumulation by African Americans lies in the past exploitation of black labor and past obstacles to equity accumulation and inheritance.

During the 1970s, the implementation of a reparations plan was discussed in terms of direct cash payments to those of African ancestry, similar to the model of reparations for Japanese Americans interred during World War II (with the obvious distinction that while the payments for Japanese Americans were made only to those who were actually alive during the period, payments to African Americans would necessarily be to the descendants of black slaves). Such ideas have even been advocated by conservative pundits as a method of abrogating a societal responsibility to continue affirmative action policies in education and the labor market. As Charles Krauthammer argued in *Time* magazine, "It is time for a historic compromise: a monetary reparation to blacks for centuries of oppression in return for the total abolition of all programs of racial preference. A one-time cash payment in return for a new era of irrevocable color blindness. Reparations focus the issue most sharply. They acknowledge the crime [slavery]. They attempt restitution. They seek to repay some of the

[19] R. S. Browne, "The Economic Case for Reparations to Black America," *American Economic Review* 62 (1972): 42. Browne discusses research conducted by J. Marketti at the Industrial Relations Research Institute, University of Wisconsin at Madison.

[20] Ibid., 44.

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'bondsman's 250 years of unrequited toil.'"[21] Krauthammer's call for reparations appears to be motivated solely by guilt over white enslavement of blacks in the antebellum South and thus does not acknowledge the extent of racial oppression and economic disenfranchisement since that time in the areas of property accumulation and labor market relations.

In a cautionary note regarding such a reparations strategy, Tabb observes that "the demand for further redistribution of resources from the larger society to the black minority depends to a large extent on the degree of solidarity in the black community."[22] This solidarity is limited by the internal class cleavages that exist among African Americans, particularly since the distribution of income and wealth is more uneven in the black community than it is among whites. Therefore, the focus on race-based redistribution "has led to a de-emphasis of class differences internal to that community."[23] These class differences are important to the issue of reparations for the same reason they are important to affirmative action as it currently stands: well-off individuals would stand to gain as much as impoverished ones. Although this might be an improvement over current policy, in which middle-class African Americans benefit to a greater extent than working-class and poor individuals, it still ignores the particular needs of the most disadvantaged. Further, while the black capitalism programs of the 1970s focused on developing business skills within the African-American community without facing up to the reality of a severe deficit in financial capital, a simple reparations strategy commits the opposite error. Simply giving cash payments to Americans of African descent ignores the social and human capital needed in order to put that money to work within the community. Such a flood of money would create a situation of anomie (normlessness) and would not necessarily lead to more stable community development. Instead, programs are needed that bring both financial and social capital into the black community.

Returning to the example of urban civil unrest, we might pose another wealth-based question: If residential integration were a reality, would there have even been a ghetto to be looted? How likely would riots have been if the African-American community had been dispersed evenly among whites and other races, constituting 10 to 20 percent of each neighborhood? Even without residential integration, if the majority of African Americans had owned the homes in which they resided, how likely would a riot have been, thereby lowering the property values of the resident-owners? The answer to all these questions is that if owning businesses and homes were a part of African-American life, the risk of civil unrest would be dramatically lowered. The counterpoint to this conclusion is that as long as African Americans face major institutional obstacles to property ownership, the risk of such conflict remains.

[21] C. Krauthammer, "Reparations for Black Americans," *Time*, 31 December 1990, 18.
[22] Tabb, *Political Economy of the Black Ghetto*, 33.
[23] Ibid.

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As in the case of business proprietorship—where increased competition for small-business formation from new immigrants may keep rates of black business ownership low—obstacles to black home ownership may be more formidable now than they have ever been. While interest rates are lower than they were in the 1970s and early 1980s, housing price inflation during the 1980s priced many middle-class African-American families out of the market. "Thus," as Melvin Oliver and Thomas Shapiro explain, "in a housing market where access to housing is becoming more and more difficult because of price inflation, younger middle-class blacks may be entering the market later and at a much lower level than their white counterparts."[24] Even if they do manage to acquire a home, it may be at a lower equity level, since African Americans have fewer assets to begin with, resulting in smaller down payments.

Further, "because homes in all-black areas increase in equity at a slower rate than comparable homes in white neighborhoods [or may even decrease in value], young blacks may not receive the same rate of return and thus secure the wealth accumulation of similarly situated whites in all-white neighborhoods," according to Oliver and Shapiro.[25] Their prognosis is grim as well: "Forced to buy housing in black neighborhoods because of racial discrimination or lower housing prices, the black middle class actually falls farther behind in the search for true economic security."[26] In other words, incentives to increase black home ownership will do little to narrow the racial gap in net worth if African Americans cannot buy their homes in racially integrated neighborhoods.

This situation leads to an even grimmer reality. Much of the discussion of residential segregation focuses on the deleterious effects this pattern has on African Americans. Often left out of the debate, however, is the beneficial effect that segregation has for whites. Although the housing system is racially segregated in terms of choices, it remains one market system for blacks and whites, and thus housing value outcomes for whites are not independent of those for African Americans. Housing owned by whites is worth more precisely because it is not situated in black neighborhoods. Researchers have documented how black housing appreciates at a slower rate (or even depreciates) when compared to similar white housing, but little work has focused on systematic economic analysis of residential patterns to generate an overall estimate of the equity gained by whites as a result of segregation in housing markets (as, for instance, estimates of the value of slave labor have been generated).

Property has the particular attribute of quantifying the social value of ideas or objects. Reading a log of prices assigned to various objects can be viewed as akin to an archaeologist digging through strata of earth to follow the development of a civilization. In this vein, when a neighborhood's housing values precipitously decline as the percentage of black residents increases, the situation

[24] M. Oliver and T. Shapiro, "Race and Wealth," *Review of Black Political Economy* 17 (1989): 21.
[25] Ibid., 23.
[26] Ibid., 21.

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provides a record of the social value of "blackness" on the part of society. In this way, the social-psychological realm of racist ideology may be directly linked to the economic arena in the valuation of property.

This devaluation of black neighborhoods is partially a result of white fears of a decline in property values and the white flight that ensues. In other words, there is a loop: as long as whites are a significant majority and have the ability to decide where they will live, they will have an economic incentive to flee integrated neighborhoods, thus continuing the vicious cycle. Aside from any personal ideology, it is in the economic interest of white homeowners to sell off when they anticipate that the neighborhood has reached a racial tipping point, for fear others will make the same calculation and sell off first, causing a general loss of value before they have had a chance to sell (given that any rash of selling depresses prices). Soon, all the neighborhood residents also believe that they need to sell because they are anticipating that others will do so. This "expectation of expectations" is how German systems theorist Niklas Luhmann defines social structure.[27] Thus, both blacks and whites are trapped by this social structure into reproducing current residential patterns. As a result, even if African Americans were allowed equal access to the home buying market and if interest rates were prescribed by law to be the same for blacks and whites, African Americans would still be at a disadvantage in terms of housing values, since whites could still flee and thereby depress housing values for blacks. Remedies for this situation are difficult to come by. Politically, any policy limiting the market (restricting the ability of white homeowners to sell, for instance) would fly in the face of the notion of individual choice that is so central to American ideology; economically, it would not be in the immediate interest of whites, whose housing is generally worth more precisely because it is not in a black neighborhood. In this way, race and class can reinforce each other.

Currently, given the difficulties they face in purchasing homes, when African Americans do find a desirable community that will sell to them, large numbers of black potential homeowners are drawn to that area (in the long term, perpetuating the dynamic of race and property inequality). One recent study shows that blacks are reluctant to move out of predominantly white housing tracts and that new construction increases the likelihood of African Americans moving into a predominantly white development tract.[28] In other words, black families usually—and understandably—take whatever limited opportunities are available to live in integrated neighborhoods. Ironically, however, if white homeowners were given a guarantee that the percentage of black residents would not exceed, say, 15 percent in a given community, they might be less likely to flee, because they would not fear a complete racial turnover of the community. But such ironic constraints on the residential choices of African

[27] N. Luhmann, *Power and Trust* (New York: Columbia University Press, 1979).

[28] S. J. South and K. D. Crowder, "Leaving the 'Hood: Residential Mobility Between Black, White, and Integrated Neighborhoods," *American Sociological Review* 63 (1995): 17–26.

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Americans are no more a feasible alternative than limiting the market decisions of whites. In short, the challenge is to achieve a balanced distribution of black and white residential patterns without resorting to draconian encroachments on the property rights of either group.

In this vein, there may be ways to structure incentives into the property tax code to foster integrated communities. For example, some policy analysts have proposed the development of "social insurance."[29] As applied to the issue of integrated housing, this form of insurance would protect property owners from any rundown in prices resulting from selling sprees as a neighborhood "tips" from white to black. With this insurance in place, the economic incentive to pull out when a neighborhood starts to integrate would be eliminated; ideally, the insurance "policy" would never need to be cashed in. The difficulty lies in the details, of course, especially the task of factoring out changes in prices that may be occurring as the result of other exogenous forces.

In order to better develop policy options to address the racial gap in housing wealth, it might be useful to study communities such as Columbia, Maryland—an integrated community where owner occupancy is the norm—using ethnographic or other more detailed methodologies. It would be interesting to compare this community to ones that are predominantly white and ones that are predominantly black (such as Silver Springs, Maryland) where homeownership is also the norm to determine the relative effects of integration per se and those of property values on life outcomes.

While it is difficult to be optimistic about the possibility of change in the realm of race and real estate, another development initially appears more promising for the future of wealth equality. Specifically, as a result of rapid price gains in the securities markets, stocks now outpace real estate as the primary investment vehicle for American families. Although "there are no definitive current numbers about how many American households have more money in stocks than in real estate," according to Brett D. Fromson, "the value of stocks held by Americans now exceeds $5 trillion."[30] This 1995 statistic edged out the estimated $4.5 trillion that Americans held as home equity. These statistics may be misleading, however, since the distribution of wealth in liquid assets such as stocks is more unequal than that in real estate. Since a relatively small number of individuals own huge amounts of securities, the modal (most common) American family may still have a greater net investment in its home. Nonetheless, Fromson reports that many economists and market analysts agree that this represents a historic shift.

What does this mean for African Americans? On the one hand, stock certificates know no skin color. An African American's purchase of IBM or DuPont stock does not affect a white individual's decision about which security to

[29] D. Kirp and E. Davis, "Nothing to Fear But Fear Itself: Insurance Against Social 'Bads'" (Goldman School of Public Policy, University of California at Berkeley, 1997).

[30] B. D. Fromson, "Stocks Are Replacing Homes as the Primary Nest Egg for Many American Families, According to Economists and Market Analysts," *Washington Post*, 27 November 1995.

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buy (as purchases by blacks might have affected a white person's real estate decision). The anonymity of stock certificates means that there is much less potential for the emergence of a vicious cycle such as that encountered in the housing market. On the other hand, African Americans are currently much less likely to invest in the stock market, and those who do will generally reap lower returns in absolute terms since they are starting with less. Also, given the recent run in stock market prices, if blacks are to enter the stock market in greater numbers, they will be doing so at a time when prices may already be inflated. Therefore, they will find themselves in a precarious situation and at a disadvantage compared to whites, who have enjoyed a head start. Further, with limited assets to begin with, African Americans may be more hesitant to put their nest eggs in such risky investment instruments as common stock or corporate bonds.

Therefore, short of radical policy interventions such as reparations or government-dictated residence patterns, it is likely that the black-white asset gap will continue to widen. This is true because of the cruel fact that wealth begets greater wealth. Starting with a few hundred dollars at 10 percent compounded interest, an individual will end up with a thousand dollars after a decade or two. Starting with a thousand dollars, however, another individual will end up with several thousand dollars, and the wealth gap will have grown in absolute terms despite equal access to investments. (This calculation does not even take into consideration the greater yields available to individuals with more money to invest.) Thus, as long as the economy grows at a decent pace, thereby creating wealth for all Americans, the asset gap between blacks and whites will grow wider. This fact dictates an ultimate trade-off in policy choices. The more universal an asset development policy is, the more politically popular it becomes, but the less it will do to reduce racial inequalities in wealth (and therefore other outcomes).

An even more potentially dangerous situation may be engendered if the move to privatize Social Security becomes law. In an effort to increase the nation's personal savings rate (which hovers around 5 percent) and at the same time save the Social Security trust fund from bankruptcy as the baby boomers move into retirement, many conservative lawmakers are arguing for the conversion of Social Security from a defined-benefit program that invests in government bonds (debt) to a defined-contribution program that invests in the stock market (assets)—akin to a corporate 401k or Individual Retirement Account. A defined-benefit, or fixed-benefit, pension (Social Security's current structure) guarantees participants a set return during their retirement, in the form of a monthly check. Changing to a defined-contribution, or fixed-contribution, plan would mean that individuals contribute a set amount from their paychecks (as they do now) but that the returns they receive when they retire depend on how the investments performed during the interim. In essence, the transition to this new system represents a shifting of the risk from the government to the individual, albeit with the possibility of greater returns. Proponents argue that the average rate of return on the stock market would make the pri-

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vatized system much more lucrative for the individuals regardless of whether they choose the investments themselves or whether the fund is administered by a federal trustee. These proponents also claim that the infusion of this new capital into the securities markets would stimulate the economy, creating jobs and better asset growth for all.

At least one scholar has argued that wealth inequality between blacks and whites is overstated when it does not take into consideration Social Security pension wealth.[31] By providing a better return to Social Security, a privatization plan might serve to help equalize wealth holdings between the races. On the other hand, such a fixed-contribution system might also put the retirement funds of many Americans for whom Social Security is their only pension plan (a group in which African Americans are disproportionately represented) at the mercy of the ups and downs of the stock market.

While this change would have important implications for racial differences in wealth holdings, it would have even greater implications for the class structure of the United States. The future economic well-being of workers—in terms of their retirement nest egg—would depend directly on the performance of the corporations in which their Social Security funds were invested. How can workers argue for an increase in wages if they know that their retirement fund (as reflected by the company's stock price) may suffer? This arrangement puts employees in the position of making a trade-off between future and current income. It also gives managers a rhetorical advantage in their efforts to keep wages depressed. This may already be taking place to a certain extent with the widespread investment in the stock market through private pension funds, but it would become all the more prevalent if the largest pension fund in the country (Social Security) became entwined with the stock market.

Some may argue that having the long-term economic interests of workers directly tied to the prospects of the firm helps to create common incentives for workers and owners and thus creates a more efficient site of production. They may also argue that workers would benefit by having greater control over the actions of corporations (through their privileges as shareholders). But a more pessimistic view holds that the current inequality of wages and asset ownership in the context of the modern corporation provides a gravely unequal starting position for workers and owners to voice their interests. Workers would be even more powerless in their negotiations with management for higher wages if not only their current standard of living but their future lifestyle as well depended on the largess of the corporation.

Within this tricky context of the nature of wealth and inequality, a sound policy to foster property equity between the races is difficult to implement. The simplest idea would be to implement a national wealth tax. At the end of each

[31] J. P. Smith, "Racial and Ethnic Differences in Wealth Transfer Behavior," *Journal of Human Resources* 30 (1995): S158–83.

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fiscal or calendar year, each individual would use a checklist to assess his or her assets and liabilities and would be required to pay the government a certain percentage of that net worth if it exceeded a given deduction. These funds would be redistributed to the asset-poor. While tax-based transfers are the most efficient way to remedy inequities (and also have the benefit of being color-blind), they are also politically risky. Political scientist Harold Wilensky has demonstrated that voter uprisings against taxes—such as Proposition 13 in California—are most likely to occur with respect to property taxes.[32]

Given these political risks, lawmakers may have to be inventive in developing asset-based policies. One place to start might be slackening the strict asset tests that current welfare policy enforces. If welfare recipients were able to save without being penalized for their asset accumulation, public assistance might come closer to serving the role for which it was intended: that of a temporary safety net. Likewise, by selling public housing to its residents (who are predominantly black) in a program not unlike the VA or FHA programs instituted after World War II, the government could create a whole new class of urban homeowners with a stake in the American dream. Another interesting idea that has been proposed is the creation of Individual Development Accounts (IDAs) that foster savings among the asset-poor (who are disproportionately minorities).[33] Perhaps tax incentives could be implemented for these parents to save for their children's future expenses in much the same way that IRAs now act for retirement savings.

In an even more aggressive option, the government could institute child development savings accounts (akin to Social Security), with the government acting as custodian until the child reaches age eighteen. The money would then be released only for educational or occupational expenses such as tuition, licenses, fees, or capital investments. If asset-based policy were geared directly toward children, it might become more politically palatable to lawmakers who prefer not to "reward" poor adults. It is important to keep in mind, however, that every policy intervention has unintended consequences. For instance, if the government saved for children, parents might be more reluctant to do this themselves.

The bigger challenge may lie in designing a program that will sufficiently entice economically disadvantaged families to participate. Experience has shown that fostering savings among the poor is not easy. In an impoverished area of rural Kentucky, a foundation sponsored a program that matched the savings of individuals by contributing $6 for each $1 the participants put up themselves. Only eight people chose to participate. The program administrator, Jennifer Hart, explained why so few individuals enrolled: "They don't think

[32] H. L. Wilensky, *The "New Corporatism": Centralization and the Welfare State* (Beverly Hills, CA: Sage, 1976), 14–23.

[33] M. Sherraden, *Assets and the Poor: A New Direction for Social Policy* (Armonk, NY: Sharpe, 1991).

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they have a future. If they did, they would think about it and delay instant gratification. But they have no reason to. And they can't. They can only think about how they are going to feed the children this week and pay the rent this month."[34] These are significant obstacles. Nevertheless, policies that encourage the values of savings and thrift might be able to garner support from the political right as well as the left. Self-sufficiency and equity accumulation are effective rallying calls in the search for racial equity.

Summary and Conclusions

The classical economist and moral philosopher Adam Smith recognized that social classes arose when humans were able to accumulate and store resources. Before this development—when people were hunter-gatherers, or even during the early agricultural stages of development when people could not preserve what they did not consume—humankind existed in a classless society (though there were other forms of inequality). When individuals became able to store resources, class inequalities were generated, along with a corresponding change in social relations. At the end of the day, not everyone was equal, and those who had more could preserve that advantage. In fact, the word "asset" comes from an Anglo-French legal term, *aver assetz*—to have enough.[35] Individuals traded these accumulated goods—these assets—for other goods or for a guarantee of remittal in the future when times were not so rosy, when they did not have enough. Since the genesis of social class through this act of accumulating and saving, property relations and labor market issues have been intimately linked throughout history. For example, in sixteenth-century England, the common grazing land was parceled into privately held farms, creating newly formed private property. This Enclosure Movement, as it was called, set the stage for the agricultural revolution and the development of new technologies such as the seed drill and the cotton gin. These changes generated new inequities as well. First, land was not distributed equally; second, once new technologies emerged as a response to this nascent private market in the agricultural arena, inequalities sprouted up with respect to who owned and distributed these new means of production and who could afford to use them. In this manner, changes in the organization of land ownership engendered changes in the way agricultural work was organized.

The same relation between property laws, technology, and the organization of work can be seen in the Industrial Revolution. Specifically, the introduction of limited liability in the form of corporations allowed the collectivization of capital, thus providing the appropriate legal environment. Corporations were

[34] M. Janofsky, "Pessimism Retains Grip on Appalachian Poor," *New York Times*, 9 February 1998.
[35] Sherraden, *Assets and the Poor*, 96.

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given the same legal rights as individuals to enter into contracts and incur obligations. Most important, when people pooled their property in this way, they insulated themselves from the debts and responsibilities of these institutions, using the corporation as a "front" for their business. This is why the owners of Exxon, for instance, are not subject to liens against their personal fortunes in the wake of the Valdez oil spill. The main societal benefit of this protection is that, with limited liability, individuals are more likely to take risks with their assets, thereby stimulating the development and production of new goods and services. Even as changes in property law can spur the development of new technologies and inequalities, the emergence of new technologies, such as the printing press, also generate new forms of property, such as copyrights.

Although property has been central to the history of stratification, and although the founding fathers of the social sciences such as Adam Smith, Karl Marx, and Max Weber were intimately concerned with property analysis, the role of wealth has been largely absent from the empirical tradition of research on inequality. This is even more the case with respect to the debate over racial inequality. From the initial wresting of soon-to-be slaves from their families and possessions along the western coast of Africa, to the failed promise of land redistribution after Emancipation, to the dynamics of residential segregation and differential credit access that continue relatively unabated today, African Americans have been systematically prevented from accumulating property. The link between property inequity and racial division is not unique to this country or even to the Western world. Property law has formed the centerpiece of race-based policies in countries as disparate as Germany under the Third Reich (dispossessing Jews from their wealth) and imperial Japan (which barred *burakamin* from ownership for several centuries). It could be plausibly argued that unequal property relations are a necessary (but not sufficient) prerequisite for racial divisions.

Although race becomes insignificant in predicting a number of important outcomes for young adults when asset levels are included in causal models, wealth itself is nevertheless distributed unequally by race. Thus, one may conclude that the locus of racial inequality no longer lies primarily in the labor market but rather in class and property relations, which in turn affect other outcomes. While young African Americans may have the opportunity to obtain the same education, income, and wealth as whites, in actuality they are on a slippery slope, for the discrimination their parents faced in the housing and credit markets sets the stage for perpetual economic disadvantage.

On the policy side, it is important to shift the debate about race from the traditional focus on the labor market to one geared toward rectifying wealth differences. Wealth, not occupation or education, is the realm in which the greatest degree of racial inequality lies in contemporary America. The implications of this finding for social policy are twofold. The first possibility involves shifting race-based affirmative action policy from the areas of education and

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occupation to a focus on asset inequality. The second argues for a shift to a class-based affirmative action policy—that is, implementing educational, hiring, and contracting preferences that are based on class and not skin color; such a policy must, however, include net worth in its definition of class if we are to avoid worsening black-white inequities. The political obstacles to any such policy changes are great. But the potential benefits to society are even greater.*

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A Constitutional Pied Piper: The Northern Irish Good Friday Agreement

ANDREW REYNOLDS

As in other recent cases of momentous political change after long years of stalemate and stagnation, the pace of reform in the six counties of the north of Ireland has quickened since the mid 1990s. The current peace process has its roots in the Anglo-Irish agreement of 1985, which established an Intergovernmental Conference of Irish and British ministers to discuss political and legal matters relevant to Northern Ireland. Despite considerable Protestant Unionist opposition to the agreement, five years later the British government launched an initiative to convene discussions between the parties of the north and south and themselves about a possible future settlement framework. However, the late 1980s and early 1990s were characterized by burgeoning paramilitary atrocities and political intransigence. It was not until the Downing Street Declaration of December 1993 that the horizon brightened and negotiations between all significant actors began to be a real possibility.

The Declaration outlined structures for peace negotiations, allowed for the possibility of a united Ireland, and unequivocally accepted the legitimacy of self-determination within the province. After nine months of wrangling, the initiative of British Prime Minister John Major and the Irish Prime Minister Albert Reynolds intrigued the Irish Republican Army (IRA) sufficiently for it to announce a cessation of violence, which was accompanied by loyalist paramilitary cease-fires.[1] In December 1995, the framework was given teeth in discus-

[1] I use the terms Unionist and Loyalist interchangeably to identify that part of the Northern Irish community, predominantly Protestant, that supports the retention of the six counties of Northern Ireland within the United Kingdom. Similarly, I use interchangeably the terms Nationalist and Republican to identify that community, predominantly Catholic, that seeks increased Irish government engagement in the administration of the six counties.

ANDREW REYNOLDS is assistant professor of government and international studies at the University of Notre Dame and a fellow of the Helen Kellogg Institute for International Studies. His most recent book is *Electoral Systems and Democratization in Southern Africa*.

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sions with all significant parties under the chairship of former U.S. Senator George Mitchell. However, an increasingly insecure Conservative government in Westminster stalled on implementing the Mitchell Commission recommendations, and the IRA ended their cease-fire with the explosion of a huge bomb in London's Docklands. Nevertheless, the peace process stumbled on and in May 1996, elections for the Northern Ireland Forum brought the widest array of political viewpoints ever marshalled together in the six counties. The Good Friday Agreement was finally signed in April 1998 and ratified by large majorities on both sides of the border—71 percent in the north and 94 percent in the south. It led to a general election for a new Northern Irish power-sharing Assembly in July 1998. After months of painfully slow negotiations over the thorny issues of arms decommissioning and constituting a multiparty executive, in fall 1999, the parties have reached an impasse and the peace process has stalled. The potential for the polity to slip back into violence remains high. But there is little doubt that the north is closer to a peaceful settlement than it has been in the previous seventy-seven years of its existence and that a major shift in thinking and perception has facilitated the new dawn.

But Northern Ireland has seen many false dawns before. The first attempt at introducing power-sharing arrangements collapsed in 1974, and successive attempts at crafting a political settlement—1980 (Anglo-Irish summit in Dublin), 1983 (New Ireland Forum), 1985 (Anglo-Irish Agreement), and 1993 (the Downing Street Declaration)—all failed to end the spiral of political violence. What makes this latest peace process and the institutions it entrenches more likely to succeed? What are the longer-term political implications of the successful implementation of the Good Friday agreement?

The arguments made in this article follow the progression of four key points. First, the Good Friday agreement is the clearest example of fully blown consociationalism that exists today. For that reason alone, it is a crucial case study for the emerging discipline of constitutional design and conflict management.[2]

Second, the prospects for the successful implementation of power-sharing are more favorable now than they have ever been before. The agreement offers the best hope for substantive curtailment of the spiral of violent sectarianism that has poisoned the daily life of the six counties since 1966.

Third, the envisioned consociational institutional arrangements are heavily accented by their inherent transitional nature. Northern Ireland today has parallels with states that made the journey from unstable minority rule to majority reincorporation—South Africa and Zimbabwe. All three processes were trans-

[2] For representative works, see Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, DC: United States Institute of Peace Press, 1996); Arend Lijphart, *Democracy in Plural Societies* (New Haven: Yale University Press, 1977); Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry Into Structures, Incentives, and Outcomes* (New York: Columbia University Press, 1994); and Donald Horowitz, *A Democratic South Africa: Constitutional Engineering in a Divided Society* (Berkeley: University of California Press, 1991).

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placements, and all three resulted in the adoption of some form of power-sharing within government.

Finally, if the Good Friday arrangements are transitional, one logical ultimate destination is the reunification of Ireland, most likely as an asymmetrical federal state with provincial government and group rights crafted to assuage minority (Protestant) fears in the north.

The core of this article outlines the nature of the peace process in the north of Ireland and the resulting political institutions being implemented as levers of conflict management in the bipolar society. The later section draws upon the comparative evidence from two earlier transitions within communally divided societies—South Africa and Zimbabwe.

Northern Ireland and Electoral Institutions

Conflict in Northern Ireland has historically been defined by disputes over political institutions and the power to rule—who is represented and who governs. The Good Friday agreement is a watershed, because it fundamentally shakes up modes of political administration which over the last three-quarters of a century were used and misused to ensure the dominance of one community over the aspirations of another. Ever since the creation of that part of the United Kingdom called Northern Ireland, electoral institutions have been the intellectual battleground that formed the backdrop to the battleground on the streets. Michael Collins was the much romanticized military commander of the 1916–1922 rebellion against British rule. At his last meeting with Winston Churchill (at the time the minister responsible for Irish Affairs in Downing Street) to negotiate the treaty that established the Irish Free State, he pressed for proportional representation (PR) to be used in the north to protect the voice of the nationalist minority. Collins had helped introduce PR for parliamentary elections in the south as a protective mechanism for Protestants and other minorities. PR was retained for general elections in the six counties in 1921 and 1925; but after a scare in the second election, Unionists abolished PR and instituted first-past-the-post elections, which would entrench their political superiority for the next fifty years. This curtailment of electoral competition was illustrated by the fact that between 1929 and 1969 nearly 40 percent of all members of the Northern Irish parliament were returned unopposed, and Prime Minister Terence O'Neill was not opposed at all in his constituency between 1946 and 1969.[3]

In conjunction with their opposition to PR, the Unionists vetoed the creation of any second chamber of an Ulster parliament that might overrepresent Catholics. Tim Pat Coogan argues that the Unionist insistence on overtly majoritarian and exclusionary institutions laid the ground for a pseudostate, which could never fully evolve or integrate its communities. "Perhaps, peaceful assim-

[3] Paul Arthur, "Political Parties: Elections and Strategies" in Arthur Aughey and Duncan Morrow, eds., *Northern Ireland Politics* (London: Longman, 1996), 68.

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ilation could have taken place. In the event, however, what was created was a fundamentally undemocratic state specifically designed to prevent power changing hands, or to allow reform to take place from within by the normal democratic processes of education, organization, and the ballot box.[4]

The modern troubles, which wrought so much havoc and pain on Northern Ireland, were sparked by the civil rights marches of the late 1960s and early 1970s. But those marches were precipitated by half a century of overt electoral gerrymandering, undemocratic voting practices, and the subsequent housing and employment discrimination prosecuted by Unionist-controlled councils in Nationalist areas. The northwest Irish city of Derry was (and remains today) over two-thirds Catholic and one-third Protestant, but sophisticated gerrymandering of district boundaries enabled the Unionist third to win a comfortable majority on the city council. In 1961, 9,235 Protestants were able to elect twelve Unionist representatives, while 14,325 Catholics could only return eight Nationalists.[5] Furthermore, voting at the local government level was restricted to property owners and council-house dwellers and their spouses, and because Unionist councils would only assign public housing to Unionist voters, Nationalist interests were doubly discriminated against, removing nearly half the Catholic electorate from the local government voters rolls.

When some degree of Catholic inclusion in government was introduced by the Sunningdale agreements of 1973—a power-sharing executive based on an Assembly elected by proportional representation and a cross-border Council of Ireland—intransigent Unionist politicians brought the peace plan down with a massive and ugly general strike within a matter of months. Allowing the minority a legislative and executive foothold was an anathema to most Loyalists who (probably correctly) saw the tinkering with political institutions as the precursor to more lasting structural change.

Constitutional Engineering and Conflict in the North

There have been three critical turning points in the north of Ireland in the twentieth century. First, the hiving off of six of the nine counties of Ulster away from the remaining twenty-six counties of Ireland in 1920. These were subsequently retained within the United Kingdom in 1922. Second, the ill-fated Sunningdale agreement of 1973 sought to include Nationalist voices in the governance of the province. Finally came the Good Friday agreement of April 1998, after thirty years of violent stalemate between pro- and anti-partition forces. That two of these three turning points revolved around the introduction of power-sharing provisions is unsurprising; but history both inside and outside of Ireland demonstrates that for constitutional engineering to work, one needs appro-

[4] Tim Pat Coogan, *The Troubles: Ireland's Ordeal 1966-1996 and the Search for Peace* (London: Arrow, 1996), 29.

[5] Ibid., 38.

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priate institutions, favorable conditions, and the will of those whose will matters.

One of the most influential prescriptions for communally divided societies is that of consociationalism, a term brought back into the lexicon by Arend Lijphart in the late 1960s. Consociationalism entails an institutionally based power-sharing agreement within government, brokered between clearly defined segments of society that may be joined by citizenship but divided by ethnicity, religion, and/or language. Examples of consociational societies have included Belgium, the Netherlands, Austria, and Switzerland. Cyprus and Lebanon are cited as countries that had, but no longer have, a consociational ethos, although Lebanon appears to be rebuilding such constructs since the Taif accords of 1993. The mechanics of consociationalism can be distilled into four basic elements that must be present to make a constitution worthy of the consociational name. First is executive power sharing among the representatives of all significant groups (grand coalition); second, a high degree of internal autonomy for groups that wish to have it (segmental autonomy); third, proportional representation and proportional allocation of civil service positions and public funds (proportionality); and fourth, a minority veto on the most vital issues (mutual veto).[6] These elements ensure that government becomes an inclusive multiethnic coalition, unlike the adversarial nature of a Westminster winner-take-all democracy. The consociational philosophy rests on the argument that in bitterly divided societies the stakes are too high for politics to be conducted as a zero-sum game. The risks of governmental collapse and civil instability are too great for parties to view the executive branch of government as a prize to be won or lost. Majoritarianism in plural societies can lead to the dangerous permanent exclusion of one or a number of minority groups. Northern Ireland is the classic example.

However, the institutions of consociationalism are not a stand-alone panacea. They are highly contextually specific, and their success and endurance requires a number of favorable conditions. Lijphart lists nine areas that can usefully be applied to the Northern Irish case.[7] First, the most important factor is that there should be no one majority segment. If there is a dominant community with over 50 percent of the population, it is much more likely that majoritarianism will take hold. Second, negotiations among leaders will be facilitated if segments are of equal size. Third, too many segments will require complicated and bilateral bargaining between elites, which will engender gridlock within legislation. Therefore, there should be a small number of segments with the optimum number being between three and five. Fourth, the decision-making process is also simplified if the state has a small population size, because foreign affairs usually takes on less importance, and the distribution of resources is easier to

[6] Lijphart, *Democracy in Plural Societies*, 25.

[7] Arend Lijphart, *Power-Sharing in South Africa* (Berkeley: Institute for International Studies, University of California, 1985), 119–126.

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manage. Fifth, the existence of external threats may help to unify a society around a common nationalism and thus increase the potential for cooperation among its component segments. This may precede or follow from, sixth, an overarching sense of national loyalty, which transcends societal divisions and provides the basis for successful consociationalism. Seventh, a further important factor is that there should be some degree of socioeconomic equality. While economic inequality is not an insuperable barrier to consociationalism, it is clear that the larger the economic differentiation between segments, the more difficult political power sharing will be. Eighth, a geographical concentration of segments will aid the development of federalism and decentralization—both important mechanisms of power sharing in a plural society. Finally, long-standing traditions of accommodation, which settle conflict by consensus and compromise and are rooted in the culture, will increase the likelihood of a successful consociational democracy.

At first glance, the six counties seem to have always been particularly unripe for consociational democracy. In the late 1970s and again in 1996, Lijphart argued that the conditions for consociational democracy in Northern Ireland were "overwhelmingly unfavorable."[8] The only thing going for power-sharing arrangements was that short of another partition it was the only logical, democratic solution to the problem.[9] To this day, Northern Ireland contains a dominant majority group, segments are of unequal size, and there is little sense of shared national loyalty. Socioeconomic inequality dovetails with the communal divide, although this is slowly changing. Protestants and Catholics are highly intermixed geographically, and there has been little in the way of a historical tradition of accommodation.

Previous Institutional Attempts

In the 1920s, the new Stormont government did not even attempt to apply the smallest power-sharing fig leaf to its majoritarian institutions. First-past-the-post elections, gerrymandering, and plural voting were all utilized to ensure absolute Protestant dominance over all areas of the quasi-state. The forty-plus years of fragile stability that endured in Northern Ireland until the outbreak of the troubles in the 1960s can be put down to almost total Unionist control of the province's political institutions, which starved the opposition of the oxygen needed to organize and challenge the hegemony of the majority. There were IRA campaigns in the 1940s and late 1950s, but neither impacted Unionist hegemony to the same degree.

By 1973, the control model[10] was no longer able to keep a lid on Catholic anger; and alienation and a spiral of protests, lawlessness, and sectarian killings

[8] Lijphart, *Democracy in Plural Societies*, 137.

[9] Ibid., 137–141; and Arend Lijphart, "The Framework Document on Northern Ireland and the Theory of Power-Sharing," *Government and Politics* 31 (Summer 1996): 268.

[10] See Ian Lustick, "Stability in Deeply Divided Societies: Consociationalism versus Control," *World Politics* 31 (1979): 325–344.

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led to a British government plan that sought to introduce some degree of power sharing to the province for the first time. While the Sunningdale arrangements can be seen as the forerunner of the current peace agreement, the institutional structures envisioned by that document were more tentative and vague than the 1998 Good Friday agreement. The white paper published by the British government in March 1973 foresaw a Northern Irish Assembly effectively sitting underneath the existing British secretary of state for Northern Ireland. The seventy-eight-member Assembly was to be elected under a more inclusive proportional electoral system—the single transferable vote (STV) was proposed in the hope that such a system would give a fillip to moderate parties and the middle ground of political opinion. While the system remained parliamentary, the cabinet was not to be based on any single party if it represented only one of the two communities. Thus there was no mandated power sharing between all significant parties, nor were there provisions for a minority veto or cultural autonomy. In effect, the British government was saying that the Unionists could win a majority in the legislature, but they could not govern without some Catholic representatives. Alongside this was the highly controversial Council of Ireland provision, which sketched the outline of a Dublin-Belfast forum but did not spell out what the Council's powers might be.

In the Assembly elections of June 1973, seven parties won representation: four Unionist, one Nationalist, and two unaffiliated with sectarian politics. After much internal wrangling on the Unionist side, a ten-member cabinet was eventually put together in January 1974. This was led by Brian Faulkner, the Unionist Leader, with Gerry Fitt, the leader of the Nationalist Social Democratic and Labour Party (SDLP) as his deputy. Unionist received four other portfolios, constitutional Nationalists three others, and Oliver Napier, the leader of the Alliance party became minister for law reform. This first attempt at power-sharing was fated to be short-lived.

When measured against the criteria outlined earlier, the 1998 Good Friday accord lays the ground for fully blown consociationalism. Indeed, Lijphart argued that the British government's 1995 Framework for Accountable Government in Northern Ireland, upon which the Good Friday agreement is heavily based, was "thoroughly consociational in its orientation."[11] The only departure from the model is the nuance of using STV instead of List PR, which Lijphart argues is not as suitable as List PR, because it "maximises the voter's choice and consequently diminishes the power and flexibility of segmental leaders."[12] The Assembly elected in July 1998 consisted of 108 parliamentarians elected by preferential voting in seventeen multimember districts. The size of the constituencies, already small in population, meant that a candidate could be elected with only a few thousand votes. Eight parties won seats in the new Assembly: four Unionist parties (along with three independent Unionists) took

[11] Arend Lijphart, "The Framework Document on Northern Ireland," 267.
[12] Lijphart, *Democracy in Plural Societies*, 137.

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fifty-eight of the seats; the SDLP and Sinn Féin had forty-two seats combined; while the Alliance Party and Women's Coalition gained six and two seats respectively. Other consociational planks included obligatory power sharing in the executive, which played out in an almost identical way to the ill-fated power-sharing cabinet of 1974. The first prime minister came from the largest community—David Trimble, leader of the Ulster Unionist Party; while his deputy came from the minority community—Seamus Mallon, deputy leader of the Social Democratic and Labour party. If the current decommissioning impasse is overcome, then the ten executive positions will be shared between the four largest parties, and two Sinn Féin leaders will take office for the first time in a northern government.

Special commissions are being set up to deal with particularly contentious issues: policing, the fate of prisoners, disarmament, and economic discrimination. These commissions will include the representatives of all significant parties. Furthermore, the Good Friday agreement entrenches a powerful minority veto clause over legislation deemed to be relevant to communal interests by requiring cross-community support. Relevant legislation, designated by the executive or 28 percent of the Assembly members, will require parallel consent—that is, a majority of both the Unionist and Nationalist delegations voting, or a weighted majority, 60 percent of all members voting including at least 40 percent of each of the Unionist and Nationalist delegations. Last, a degree of cultural autonomy already exists in the province, as Catholic schools have been subsidized by the British government to the same level as Protestant schools since 1992.

Along with these internal bodies, two cross-national councils are to be set up. A Council of the British Isles is to be attended by delegates from the parliaments of Northern Ireland, Scotland, Wales, Westminster, and the Dail; and a North-South Ministerial Council (the much vilified Council of Ireland masquerading under a new name) would promote cooperation between the six counties and the Republic. These institutional mechanisms owe much to the theory of consociationalism and the designation of ethnic groups. Parties self-identified themselves as Catholic/Nationalist or Protestant/Unionist or nonaffiliated, and executive offices were shared upon that basis rather than simple party strength. To show good faith, both Britain and Ireland made legislative/constitutional concessions over their claims to the province. Dublin dropped its long held constitutional claim to Northern Ireland, and Westminster legislated to acknowledge the possibility of a united Ireland if the majority in the north supported reunification.

If it is clear that the current peace plan revolves around the implementation of classically consociational institutions, it is less clear whether such mechanisms have any chance of bringing to an end the cycle of extra-parliamentary violence that has plagued the territory. The precedence is not good. All previous institutions failed with dire consequences because of either their political or temporal inappropriateness. The type of democracy set up in 1922 in the

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north was little more than a voting façade painted over a one-party state. Subsequent fissures in Unionist politics meant that there was some degree of intra-Unionist competition for power, but this does not alter the fact that a substantial minority in the province have never had the opportunity to shape the big political decisions made by their executive government. The Sunningdale constructs of 1973–1974 were perhaps more politically conducive to a democratic settlement, but the timing was all wrong. Unionist opinion was a very long way from accepting any deal that smacked of accommodation to the Nationalist minority and extended a hand of friendship to the government of the Republic. A massive general strike organized by the Unionist Ulster Workers' Council brought the life of the province to a halt in 1974. Faulkner was forced to resign as leader of the Unionist party in January 1974, a state of emergency was declared by the British secretary of state for Northern Ireland, and the Stormont power-sharing experiment collapsed in May of that year. Substantive elements of Republican opinion were reticent in their acceptance of the Sunningdale accord.

Twenty-five years on, the Good Friday agreements give more flesh to the Sunningdale power-sharing principles, but the structural conditions for consociationalism in the territory have not improved dramatically. Nevertheless and despite vociferous opposition to the accord from a sizeable chunk of the Unionist community and the painfully slow implementation of the agreement, there is little doubt that a seismic shift has occurred in Unionist feeling, which enabled Protestant voters to accept a number of new principles for the first time in their history. 676,966 Northern Irish women and men voted for the agreement in a poll where 81 percent of registered voters turned out. The 71 percent "Yes" vote was made up of virtually the entire Nationalist vote, but more importantly, a majority (albeit only a bare majority) of the Unionist vote. The largest Unionist party (the UUP) campaigned against ferocious internal opposition for a "Yes" vote. Therefore, a majority of Unionist voters and politicians representing the largest strand of Unionist thinking have grudgingly accepted three important institutional tenets: first, power sharing between Catholics and Protestants in government, an arrangement in 1999 from which realistically there is no turning back; second, the involvement of the Republic of Ireland in some areas of Northern Irish sociocultural and political affairs; and third, ground has been given to the principle of the possibility of constitutional change in the status of the north.

There is little question that there has been substantive political progress and a shift in thinking on both sides of the divide, but the question remains: Why has there been progress? What new conditions facilitated such growing accommodation and allowed a window to open for a constitutional settlement? These explanations stem not from a radical alteration in the structural dynamics of the northern Irish conflict but from a cocktail of internal and external pressures, which have engendered a significant psychological change in the mindset of both Irish and British politicians and voters.

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The Altered Context for Peace

The comparative literature on political transitions has focused on the withering of authoritarian regimes and their eventual replacement by democratic or pseudo-democratic multiparty competitive regimes in the developing world. But the nature and trajectory of elite-pacting and negotiations in the north of Ireland bear a striking resemblance to many of the experiences in third wave democratizing states. Guillermo O'Donnell and Philippe Schmitter note that many successful transitions in the 1970s and 1980s were characterized by "gradual instalments" rather than "dramatic events."[13] At the heart of such pacts between the representatives of communities in conflict are arrangements that seek to reassure each group that their vital interests are protected and that future conflict will be regulated by institutional arrangements. Such elite-pacting occurs when a number of contextual factors align themselves favorably, and the Northern Irish experience fits clearly into the realm of transplacement,[14] or ruptforma,[15] or extrication,[16] where both ancien régime and opposition reach a stalemate where neither is strong enough to defeat the other militarily; moderates on both sides realize their dependence on each other for a settlement.[17] Successful transplacements are characterized by the confluence of internal and external factors, bringing government and opposition to the negotiating table to ultimately massage an institutional settlement to by-pass the political impasse.

The Internal Dimension

As recognized by the 1998 Nobel Peace Prize committee, a crucial element of the Northern Irish Peace process of the 1990s was the agency and maturation of leadership on both the Unionist and Nationalist side. John Hume, the leader of the SDLP, had labored in the peaceful wilderness for many years, but his risk-taking opened many of the doors that led to the Good Friday agreement. In 1987, he was vilified on all sides for beginning a process of dialogue with Gerry Adams and the Sinn Féin leadership. But the emergence of Sinn Féin as a force pressing for constitutional change (indeed, at times, threatening the SDLP's electoral dominance within the Nationalist community) enabled the

[13] Guillermo O'Donnell and Philippe Schmitter, *Transitions to Democracy: Tentative Conclusions About Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986), 37.

[14] See Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), 114.

[15] This is Huntington's term for Linz's concept. See Juan Linz, "Crisis, Breakdown, and Reequilibration" in Juan Linz and Alfred Stepan, eds., *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins, 1978), 35.

[16] See Donald Share and Scott Mainwaring, "Transitions Through Transaction: Democratization in Brazil and Spain" in Wayne Selcher, ed., *Political Liberalization in Brazil: Dynamics, Dilemmas, and Future Prospects* (Boulder, CO: Westview Press, 1986), 177–179.

[17] Huntington, *The Third Wave*, 151-163.

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peace talks to progress. Hume's initiatives led to the IRA cease-fire of 1994 and the subsequent Good Friday agreement.

There will be no peace in the six counties without the acquiescence of the Provisional Irish Republican Army; and Sinn Féin is for all intents and purposes the wing of the IRA that will bring the military men into the constitutional arena. Gerry Adams has for many years been at the forefront of innovation in Republican circles. He evolved from an IRA commander to a charismatic political leader, cajoling suspicious Nationalists that this time a cessation of hostilities might bring real results, rather than just diminish IRA capacity to injure their opponents.[18]

Nevertheless, in many ways the future of the peace process is dependent upon the forces of moderate, comparatively enlightened, Unionism led by David Trimble. In a very short space of time, Trimble has reinvented himself from being a sectarian exclusionist to something more akin to a nation-building realist. Similar to former Prime Minister F. W. de Klerk in South Africa, Trimble recognized the inevitability of change, the futility of trying to hold on to all in a zero-sum game, and the opportunity to plunge into change with Unionists shaping the agenda. The nature and agency of his leadership of the Ulster Unionist party since 1995 can be dramatically juxtaposed with the failed settlements of 1921 and 1973. In 1921, Unionist leaders such as James Craig and Edward Carson were still riding the tiger of sectarian populism that they had unleashed the decade before to fight against a united and independent Irish State. The Orange Order had exploded in membership, and in 1913 the paramilitary Ulster Volunteer Force had been set up to agitate against Irish Home Rule. On the Nationalist side, constitutionalist leaders such as Joe Devlin and John Redmond had their power usurped by the post-1916 reawakening of Sinn Féin and the Irish Volunteers. Sinn Féin broached no compromise with the Unionists, and thus the politics of violent sectarian attacks left little room for a negotiated state that would include both minorities and majorities.

In the early 1970s a new generation of constitutional Nationalist leaders was making its presence felt. Gerry Fitt, John Hume, Paddy Devlin, and Austin Currie demonstrated both the capacity and willingness to move toward the center ground, but the entrenched Unionist leadership became split between the weak forces of moderation and the fire and brimstone forces of extremism. Unionist leaders such as Terrence O'Neill and Brian Faulkner were too steeped in the politics of Unionist domination to be able to drag their followers into a new era, and these reluctant reformers were easily overwhelmed by the demagogic anti-Catholicism of Ian Paisley and his new Democratic Unionist party (DUP).

The newfound accommodation between political elites of the 1990s has been given a fillip by the emergence of a younger generation of leaders who were tempered by the Troubles, cut their teeth in a cauldron of sectarian ha-

[18] See Coogan, *The Troubles*.

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tred, and felt personal loss directly. There have always been tenuous links between Loyalist and Nationalist paramilitaries; but in the late 1990s, working relationships are being formed. Alongside Gerry Adams, Martin McGuinness—formerly the commander of the IRA in Derry and Sinn Féin's chief negotiator with the British government, and currently Westminster MP for Mid-Ulster—has gained grudging respect from Unionist, British, and Irish negotiators for his ability to negotiate and deliver on IRA promises. His mirror images are David Ervine of the Progressive Unionist party (the political wing of the paramilitary Ulster Volunteer Force) and Gary McMichael, who have been equally instrumental in brokering and maintaining an effective cease-fire on the Loyalist side. As in many other conflicts, these forty-something former combatants appear to have much in common with each other and genuine respect for their opponents' histories and motivations. Remarkably, in many postconflict settlement negotiations (South Africa, the Middle East, and Guatemala) the former generals and guerrilla commanders are often the most able to broker the hard deals and accommodations that lie at the core of the settlement. The windows of opportunity for this new generation of politicians have been widened by the large size of the new assembly. This also enabled the Women's Coalition to play a substantive formal role for the first time, although there are still only fourteen women in the Assembly. In general, the Northern Irish Assembly elected in 1998 is younger, more forward looking, and more culturally diverse than any legislature that came before in the province.

After thirty years of sectarian tit-for-tat violence and the deaths of over 3,400 men, women, and children (over 60 percent of them "civilians") public exhaustion reached a tipping point in August 1998, when twenty-nine Saturday shoppers were killed by a car bomb in the Tyrone town of Omagh. The revulsion at the act of dissident IRA members of the "Real" IRA, when there was so much optimism that a political settlement might be around the corner, was so widespread that known dissident IRA supporters were hounded both north and south of the border. In the late 1990s there has been a cutting off of tacit public support for the paramilitaries on both sides of the divide. This is a dramatically different story from that of 1973, when internment, continuing Loyalist attacks on Nationalist areas, and police and military human rights abuses swelled the Provo's ranks faster than the IRA quartermasters could supply weapons.

At the same time as the public's exhaustion with violence grew and positive paths were taken by leaders, a number of the core reasons that Protestants cite to support their hostility to reunification with the south are declining in apparent legitimacy. On a social and economic level, northern Protestants have good reason to find the south a lot more attractive than they did in the 1970s or 1980s. For the first fifty years of Northern Ireland's existence, Unionists saw themselves atop an economic workhorse that delivered material benefits, which the impoverished agricultural south could only envy. Henry Patterson notes that at the time of the Home Rule bill going through Westminster, Unionists gave

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ideological emphasis "to the economically disastrous and socially regressive effects of a Dublin parliament dominated by the interests of peasants and other 'anti-industrial' elements."[19] However, over the last twenty-five years this perception has been shattered.

Much has been written about the Irish Republic's economic miracle, which earned Ireland the mantle of emerald tiger of the European Union and brought citizens of the south substantial benefits in standard of living and employment opportunities. Historically, the north was the industrial power-house—with ship-building, chemical industries, and car manufacturing. But since the 1970s, these core sectors have collapsed while the "country cousins" to the south have attracted high-tech science and communication industries and excelled in the telephone and computer service businesses. In the early 1990s, per capita GDP in the south rose above that of the north for the first time; and between 1988–1994, the Republic registered on average a GDP growth rate of 4.7 percent, while it was only 1.6 percent in the north.[20] Since then, the disparity between southern growth and northern stagnation has become more pronounced. In 1996 and 1997, Ireland registered growth rates of 7.4 percent and 9.8 percent and became the fastest growing economy of all Western industrialized nations. In the same time period, the north could only manage less than 3 percent. Importantly, over the last few years a number of the leading Ulster banks have been sold to rival corporations in Dublin and on the continent.[21]

Simultaneously, the Republic has become less religious and more liberal in many of its legal and social practices. Divorce became legal for the first time in 1995, after a popular referendum; while the ban on abortion remains, the Irish government no longer precludes women from travelling to the UK for the procedure and has opened up its educational policies on abortion and family planning. Church attendance has been in free fall in the 1990s. In 1990, 81 percent attended church at least once a week, while in 1994 that figure had declined to 67 percent, and all indications are that it has declined still further since then.[22]

The External Dimension

There is little doubt that the peace process of the 1990s reflects a new sense of interest, emergency, and commitment on behalf of the world outside of Belfast. For the first time, in the 1990s there was an intersection between politicians in Westminster and Dublin who proactively engaged themselves in trying to end the troubles. John Major reorientated British policy with the Downing Street

[19] Henry Patterson, "Northern Ireland 1921–1968" in Arthur Aughey and Duncan Morrow, eds., *Northern Ireland Politics* (London: Longman, 1996), 4.

[20] Jonathan Haughton, "The Dynamics of Economic Change" in William Crotty and David E. Schmitt, eds., *Ireland and the Politics of Change* (London: Longman, 1996), 30.

[21] Author's interview with Michael McLoughlin of the AIB Bank, Dublin, January 1999.

[22] Niamh Hardiman and Christopher Whelan, "Changing Values" in William Crotty and David E. Schmitt, eds., *Ireland and the Politics of Change* (London: Longman, 1996), 72.

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Declaration in 1993, although he subsequently retreated from his progressive stance when the fragility of his Conservative majority in the House of Commons laid him at the mercy of the Ulster Unionists, who were more than happy to twist his arm over dealings with Sinn Féin. With the election of the first Labour government in Britain for eighteen years, the situation shifted back in favor of a political settlement. The Unionists no longer had any leverage in Westminster, and Prime Minister Tony Blair brought a genuine interest in accommodating the Nationalist minority that had been absent from all previous British governments—both Conservative and Labour. Both Major and Blair had a personal interest in finding a solution to the troubles of Northern Ireland, but there is little doubt that their statesmanship was given a fillip by the tide of high-profile peace settlements in Palestine, South Africa, and elsewhere.

In Dublin the will power at the top was even more pronounced. Two Fianna Fail Taoiseachs cast off their party's historical all-or-nothing approach and facilitated substantive negotiations. Albert Reynolds placed Northern Ireland at the top of his agenda and did more than anyone else to nudge the process along during his three years in office (1992–1995). Two years later, his successor as leader of Fianna Fail and Taoiseach, Bertie Ahern, picked up the reins where Reynolds had let them fall and facilitated the Peace Forum negotiations, the massive vote in favor of dropping the Republic's constitutional claim on the six counties, and the setting up of the Assembly in 1999. Tim Pat Coogan notes that the agency of political leadership in Westminster and Dublin was supplemented by Irish and British civil servants who behind the scenes pushed hard for dialogue. Reynolds relied on senior bureaucrats such as Dermot Nally, Sean O'hUiginn, Martin Mansergh, and Noel Durr;[23] while in the Northern Irish Office, Sir John Chilcott and Quentin Thomas were perceived in Dublin and Belfast to be part of the solution and no longer part of the problem.[24] Interestingly, Chilcott went on to be a member of the Jenkins Commission on Electoral Reform in the United Kingdom and Thomas was the chief secretary to the commission.

In 1922 and the early 1970s, such positive agency to find a solution was not apparent in either Dublin or Westminster. At the time of partition it was surprising how the issue of the oath of allegiance to the British Crown overshadowed the issue of partition in the Free State, and the British government demonstrated its lack of interest in assuaging minority fears in the north by killing off the boundary commission in very short order. In 1973, the Irish government remained engaged but largely impotent, while the British government was positively disinterested in sorting out the "Irish question." On the very eve of the crucial Sunningdale conference, Secretary of State for Northern Ireland William Whitelaw, who it was generally felt had made a positive contribution to discussions, was replaced by Francis Pym, who had no background in the prov-

[23] Coogan, *The Troubles*, 421–422.
[24] Ibid., 444.

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ince or the issues. The Tory government was also reticent about using the British Army to face down militant Unionists when it had been so recently embarrassed in Rhodesia. In southern Africa, army units effectively mutinied rather than fight the white Rhodesian unilateral declaration of independence.

In America, the much vaunted "greening of the White House" cannot be underestimated in its effect on the trajectory of the Northern Irish peace process of the 1990s. Bill Clinton was sympathetic to the Irish lobby before his election to the presidency in 1992 because of ancestral ties, his student days in Oxford at the beginnings of the civil rights movement in the six counties, and the political expediency of playing to the Democrats' traditional Irish-American constituency. His active interest in a peaceful settlement continued throughout his presidency, leading to a number of important breakthroughs. Clinton began the rehabilitation of Gerry Adams and Sinn Féin as negotiation partners by allowing Adams a visa to enter the United States twice in 1994 and 1995. At the same time, two Clinton appointees had great agency in nudging along the peace process. Jean Kennedy Smith was influential as a "nationalist leaning" U.S. ambassador to Ireland, while former Senator George Mitchell progressed from being a special adviser to the president for economic initiatives in Ireland to the chair of the peace forum negotiations of 1997–1998. Compare this to the blindness that the United States had to Irish Affairs in the 1920s and 1970s. In the aftermath of the Great War in 1922, American isolationism was far too prevalent for President Warren Harding to be overly troubled by what was happening in Ireland; and in the early 1970s, the U.S. State Department remained far too Anglophilic to press President Richard Nixon to support the civil rights marchers of the north.[25] By 1973, Nixon had other things on his mind.

Over the last decade, Europe as a whole has become part of the equation of Northern Ireland's constitutional status. It is apparent that increased European integration on social, economic, legal, and political fronts has both weakened concepts of national sovereignty and brought the Irish and British governments closer together in terms of economic and social harmonization. The idea that national borders no longer have the power to fan the flames of jingoism[26] is somewhat removed from Anglo-Celtic reality (let alone Balkan reality). But closer European political union comes on the coattails of developing economic union, and this does blur the lines of distinction between autonomous governments in Northern Ireland, the Irish Republic, and Great Britain. While Ulster Unionists are perhaps even less Europeanist than their anti-European colleagues in the British Conservative party, Nationalist politicians in the north do perceive European union as a means of deemphasizing the border without massive internal political upheaval. As John Hume argued in 1989, closer European union would transform the Irish border from a rigid national divide to

[25] See Coogan, *The Troubles*, chap. 12.

[26] See Jonathan Stevenson, "Peace in Northern Ireland: Why Now?" *Foreign Policy* 111 (Fall 1998): 41–54.

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one which "will be no more in reality than a county boundary."[27] Many senior Catholic business people in the north see closer European economic union as preferable to simple reunification with the south.

The pace of the decentralization of power to nationalities in the United Kingdom provides a context for both autonomy in the north and consensual style politics as opposed to the old game of winner takes all. Parliaments with not unsubstantial powers will be elected in Scotland and Wales this year, while a new London Assembly will take on many of the tasks of running a capital city that is over five times as large as Northern Ireland. Each assembly will be elected by forms of proportional representation, and coalition governments are likely in all three legislatures. The more Tony Blair's Labour government moves away from the traditional unitary British state, the less likely Unionist politicians in the north will be able to resist constitutional change in their own corner of the kingdom. In 1922, Europe was a nonissue, and the British state was one of the most unitary in the democratic world. By 1973, European integration had reached the agenda, but an embryonic European Economic Community did little to weaken the claims of Dublin and Westminster over the six counties. Furthermore, devolution, while strongly supported in parts of Scotland and Wales, did not receive enough widespread support in referendums to ensure passage in the late 1970s.

The Conscious and Unconscious Realization of Inevitability

A key element of the Good Friday agreement was the British government's formal acceptance of the principle that the people of the six counties could reunify with the Irish Republic if a majority voted for such a course of action. Thus, if one accepts the premise that Catholics/Nationalists would on the whole vote for reunification and Protestants/Unionists would by and large vote for the retention of union with Britain, the $64,000 question becomes when will the Catholic electorate reach parity of numbers with the Protestants?

When the Irish Free State was established in 1922, only six counties of Ulster's nine remained part of the United Kingdom, and only four of these—Antrim, Down, Armagh, and Londonderry—had Unionist majorities. The other three counties of Ulster—Cavan, Donegal, and Monaghan—had Protestant populations of less than 25 percent. Including all nine in the new province would have given the Protestants only a slight 55-45 percent numerical majority in the north. Even Fermanagh and Tyrone, which were included in the six, had Catholic majorities and had voted for Home Rule in 1910. This six-county solution gave a 66-34 percent split in favor of the Unionists in 1920.

Since that time Catholics have demonstrated a higher birth rate than their Protestant neighbors, but greater Catholic emigration from the province offset this numerical advantage. Paul Doherty notes that between 1937 and 1951, 58

[27] Ibid., 43

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percent of the net outmovements were by Catholics,[28] and that imbalance continued throughout the worst of the troubles in the 1970s and 1980s. In censuses between 1926 and 1981, the Catholic proportion of the province never rose above 35 percent; but in the last official census of 1991, the flow of emigration had eased and the Catholic proportion of the province approached 40 percent for the first time (Unionists 51 percent, Catholics 38 percent, not stated/no religion 11 percent). It is reasonable to split the not stated-no religion category down the middle when it comes to speculating where united Ireland versus United Kingdom votes might go. As these respondents are concentrated in the upper-middle class areas of Belfast and Castlereagh, this would give a Unionist-Nationalist split of 56-44. But over the last decade, there is every indication that a burgeoning Catholic middle class is at the forefront of a slowly growing Nationalist population, and the margin of difference between the two communities is growing smaller by the day. Although Catholic fertility rates have declined since the 1970s, in 1991 they remained 40 percent higher than Protestants; 60 percent of the voters coming of age in 2005–2009 will be from Catholic backgrounds.[29] Catholics will continue to constitute a majority of new voters. Demographic predictions in the 1970s foresaw the year 2010 as the earliest date that a Catholic majority might occur in the province. Even if this date overestimated the speed of Catholic growth, the indicators imply that parity between the communities will be reached sooner rather than later. Even the rider of higher Catholic outmigration appears to be no longer valid, as Protestant teenagers are increasingly heading for mainland British universities and not returning.[30]

It should, however, be noted that the simple assumption that Nationalists would vote for reunification and Unionists would vote for retaining the union is not a given. Although Nationalist self-identification is rising and Catholic support for remaining within the UK has reached a low of 20 percent in 1998, only 48 percent of Catholics explicitly supported reunification in 1998, and only 3 percent of Protestants supported reunification.[31] Nevertheless, the trajectory of emboldened and growing support for reunification is apparent.

Such guestimates are borne out by the voting patterns in the 1997 parliamentary elections and 1998 assembly elections in the province. In 1997, Unionist parties won 48 percent of the vote, Nationalist 40 percent, and others 12 percent. That division held in 1998, when Unionists won 47 percent, Nationalists 40 percent, and others 13 percent. The bulk of votes in the "others" column in 1998 was for parties such as the Alliance Party of Northern Ireland and the Northern Ireland Women's Coalition—neither group implacably opposed to

[28] Paul Doherty, "The Numbers Game: The Demographic Context of Politics" in Arthur Aughey and Duncan Morrow, eds., *Northern Ireland Politics* (London: Longman, 1996), 205.

[29] Ibid., 204.

[30] See Coogan, *The Troubles*, 514; and Doherty, "The Numbers Game," 206.

[31] See John Curtice and Lizanne Dowds, "Has Northern Ireland Really Changed" (Paper presented at the 1999 American Political Science Association meetings, 2–5 September 1999, Atlanta, Georgia).

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closer ties with the Republic. Compare these figures with the fact that in the Assembly elections of June 1973, at the height of Catholic flight from sectarian attacks, the Nationalist SDLP could only muster 23 percent of the popular vote. Admittedly, the Provisional IRA had called for a boycott; but, as Coogan notes, this call was largely ignored except in Republican ghetto areas.[32] Thus it is reasonable to assume that with social stability the two traditional communities will reach parity within the next couple of decades, and at that time a majority vote for reunification becomes far more plausible. John McGarry and Brendan O'Leary proffer that the "growth of the cultural Catholic population may beckon a united (presumably confederal or federal) Ireland within three decades."[33] Unionist leaders will have made these very same calculations. It is likely that much of the accommodation that is now inching forward the peace process is prompted by the realities of electoral demographics, which are creeping up on Unionists like a sword of Damacles. Doherty notes that the Unionist "perception" that they are about to be outnumbered by Nationalists is often more important to their political posture than the reality of the demographic situation.[34]

The belief that the Good Friday agreement is the precursor to more monumental structural reform rests on the favorable conditions that have manifested themselves in the province. But the argument is bolstered by a review of comparative history—an analysis of change in other states where minorities and majorities have clashed over the reigns of power and the affiliations of flag and anthem. When set beside transitions in South Africa and Zimbabwe, there is almost an historical inevitability about the reunification of Ireland. In both African cases, as in many others, transitional power-sharing political arrangements were used to smooth the way between the old dispensation and the new. While we should be cautious not to invest too much determinism from what has happened elsewhere into what might happen in Ireland, it would be equally short-sighted to pass over the lessons of other conflictual polities wherever they may have been.

Lessons from Other Transitions within Communally Divided Societies

While here I focus on two southern African cases, there are also parallels with other transitional experiences in divided societies—notably the evolving Palestine-Israel accommodation and the measures taken to try and assuage independence desires in the Basque and Catalan regions of Spain. The bumpy road to peace in Palestine-Israel may be far from its end, but the component factors that gave the initial momentum to the peace process were akin to those in

[32] Coogan, *The Troubles*, 193.

[33] John McGarry and Brendan O'Leary, *Explaining Northern Ireland: Broken Images* (Oxford, UK: Blackwell, 1995), 403.

[34] Doherty, "The Numbers Game," 200.

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Northern Ireland; and the subsequent political arrangements have always been explicitly transitional. Palestinian authority over Jericho and the Gaza Strip in 1993 evolved into much broader administrative responsibility over both the West Bank and Gaza Strip in 1997. Today there is a widespread expectation that the United Nations two-state approach will be realized with an independent Palestinian state nestling against Israel. The cocktail of internal and external variables that gave rise to the peace process was as potent as those of Ireland, South Africa, and Zimbabwe. Yitzhak Rabin and Yasir Arafat provided the accommodatory leadership in the early 1990s, which was facilitated by proactive Norwegian and American intervention and the often constructive role of King Hussein of Jordan. The exhaustion with the conflict—after Israel had been in a state of war during its entire fifty year existence and six years of the Palestinian *intifada*—may be less obvious; but it is clear that by the early 1990s neither side could envision a solely military solution to their problems. The Basque and Catalan regions of Northern Spain are a somewhat different case. There, linguistic and cultural minorities, geographically concentrated, have long sought a degree of independence from the Spanish nation state; but substantial decentralization of administrative and legislative power since 1979 has kept the lid on the pressure cooker of secessionism.

Clearly, African experiences are very different from those of Western Europe. Northern Ireland's dominant group is a numerical majority, while whites were in a small minority in both South Africa and Zimbabwe. Nevertheless, it is useful to apply the comparative case study technique to Northern Ireland, Zimbabwe, and South Africa in the precise area of their negotiated settlements and constitutional designs to understand more about Northern Ireland's likely trajectory. In essence, all three cases demonstrate the classical elements of transplacement with a dominant group and opposition involved in bringing about constitutional change. In all three cases, the elite negotiators agreed to some degree upon consensual power-sharing arrangements. But in the two informative historical cases of South Africa and Zimbabwe, those power-sharing arrangements were ultimately temporary and the precursor to deeper structural constitutional change.

Although a world apart economically and geographically, South Africa and Zimbabwe both experienced similar processes to that of Northern Ireland, consisting of negotiations to find a political accommodation between majorities and minorities.[35] There have also long been parallels drawn between the nature of communal conflict in Northern Ireland and South Africa, and there have long been more practical links between Afrikaners and Orangemen in North Ireland. The psychology of the Unionist is akin to that of the conservative Afrikaner: "chosen people," stoic, threatened, and misunderstood. A less obvious connection between the two countries began with Michael Collins in the late

[35] For a detailed account of the transition in each country, see Andrew Reynolds, *Electoral Systems and Democratization in Southern Africa* (Oxford, UK: Oxford University Press, 1999), chaps. 5 and 6.

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1910s, when he quite deliberately copied Afrikaner guerrilla tactics, which had proved so effective against the might of the British army in the Boer War. Much later, South Africa supplied arms to Loyalist paramilitaries in 1988, with British army complicity.[36] While the similarities between the historic conflicts of identity are manifest in Northern Ireland, South Africa, and Zimbabwe, more important to our discussions are the parallels between the peace processes and resulting institutional arrangements. The cocktail of pressures on the ancien régime to reform and the excluded to negotiate may have been different in mix in each of the three cases, but they were very similar in substance. In Zimbabwe at the end of the 1970s, South Africa in the early 1990s, and Northern Ireland in the mid-late 1990s, the congruence of internal and external pressures and the resulting change in mindset of those in power combined to give birth to fragile peace processes.

Internal Dimensions

The positive agency of established political leaders and their willingness to take risks were key to progress in South Africa and Zimbabwe, just as it has been in Northern Ireland. In South Africa, Nelson Mandela and F. W. De Klerk were "chained together"[37] in their uneasy alliance to deliver the country from apartheid. The leader of the South African Communist Party, Joe Slovo, was the only African National Congress (ANC) figure who could broach and then sell the sunset power-sharing clause to his constituency. The clause entrenched a government of National Unity and protected civil servant jobs for a limited period. Even Mangosuthu Buthelezi, leader of the Zulu-based Inkatha Freedom party, demonstrated a modicum of nation-building sincerity by entering into the South African national elections ten days before the poll in 1994. In Zimbabwe, the peace process was carried on by the only leaders who could seriously claim to represent the bulk of the population—Robert Mugabe, Joshua Nkomo, and Rhodesian Prime Minister Ian Smith, who realized he had no choice but to take his white tribe into a new and uncertain country.

Just as in Ireland, the South African peace process was heavily dependent on a new generation of politicians who were in their mid-forties and saw little future in prolonged conflict. Cyril Ramaphosa of the African National Congress and Roelf Meyer of the National party were the architects commissioned by Mandela and De Klerk to build the new constitutional dispensation. In Zimbabwe, a new generation of leadership was less apparent as many of the established leaders (Joshua Nkomo, Robert Mugabe) were only in their forties or

[36] Coogan, *The Troubles*, 310. For an overview of the parallels between Northern Ireland and South Africa, see Hermann Giliomee and Jannie Gagiano, eds., *The Elusive Search for Peace: South Africa, Israel, Northern Ireland* (Cape Town: Oxford University Press, 1990).

[37] See David Ottaway, *Chained Together: Mandela, De Klerk, and the Struggle to Remake South Africa* (New York: Random House, 1993); and Allister Sparks, *Tomorrow is Another Country* (New York: Hill and Wang, 1995).

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early fifties. In South Africa, the paramilitaries who brought their followers into the fold were Chris Hani, the commander of *Umkhonto we Sizwe* (the ANC's military wing) and General Constand Viljoen of the Afrikaner Freedom Front. The role of the public's exhaustion with violence was as marked in South Africa and Zimbabwe as it was in Northern Ireland. After years of social protest and state violence, South Africans were dying at the rate of 300 a month in politically related deaths throughout 1990 to 1994. The lawlessness of the collapsing state was impinging on previously closeted white South Africans on a much more daily basis. In Zimbabwe, the peace process only took hold after a full decade of civil war and the deaths of over 100,000 combatants and civilians.

The breakdown in the most polarized forms of cultural demonization in South Africa was even more precipitant to the peace process than it was in Northern Ireland. In the late 1980s and early 1990s, black and white South Africans began slowly to meet each other and recognize bonds of history, culture, and nationalism. The South Africa Broadcasting Company began to show reruns of the American *Cosby Show*, which presented to white South Africa for the first time a portrait of a successful black middle class family. The elite negotiators found they had much in common; and bridges were built during the first few years of tentative negotiations, which were subsequently crossed when agreements were made in 1993. The ending of some of the manifestations of petty apartheid (the desegregation of beaches, transport, theaters, etc.) in the 1980s may not have substantively improved the lives of the disenfranchised majority, but they created the perception of slow reform. In tandem, throughout the covert and overt negotiations of the 1980s and 1990s, the ANC's stance was often aimed at reassuring the white community that their interests would not be ploughed under an avalanche of change.

External Dimensions

As in Ireland, accommodations in southern Africa were only achieved when favorable internal conditions intersected with increasing external pressure for change. The end of the cold war removed much of the apartheid regime's rationale for demonizing the incipient communism of the frontline states. It became no longer credible to send young white conscripts to fight the red terror in Angola, Namibia, or Mozambique; and the fall of Smith's regime in Rhodesia had completed a blanket of hostility to the white regime that stretched across their border from the Atlantic to the Indian ocean. The West was increasing its economic and social sanctions in the 1980s, and sympathetic ears for the white regime were becoming few and far between. The sporting and cultural isolation was hard to bear for a community possessed by sport and proud of its artistic, dramatic, and scholarly achievements. In Rhodesia in the 1960s and 1970s, economic sanctions had largely failed to bring about a weakening in the government's bullishness to hold out against all reform. But the fall of the Salazar regime in Portugal, the new Portuguese government's withdrawal from Mo-

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zambique, and the subsequent coming to power of Samora Machel in Mozambique provided a base for guerrillas to hit the Rhodesian army almost at will. By the late 1970s, even President Machel was pressuring Mugabe and Nkomo to negotiate, for Mozambique was feeling the effects of the economic sanctions on Rhodesia.

Just as in Northern Ireland, the ancien régimes in Pretoria and Salisbury woke up to the realization of the surety of change, even if it was on a subconscious level. They decided to try and mold the process rather than risk being removed from power completely. In South Africa at the beginning of negotiations, the government was based on 15 percent of the population and declining, the economy was starting to crack under the pressures of international sanctions, and the internal violence was becoming unmanageable. In Zimbabwe, the government was based on 3 percent of the people (and falling), the economy could not survive forever under the weight of international sanctions, and the army was losing the battle to contain insurgents. Christine Sylvester quotes the head of Rhodesian intelligence as saying, "from a winning position between 1964 and 1972, Rhodesian forces were entering the stage of a no-win war, which lasted from December 1972 to 1976; after that they were fighting a losing war."[38]

Institutionalized Power Sharing as a Sunset Clause

The parallels of the trajectories of political reform in Northern Ireland and our two southern African cases are mirrored in the institutional arrangements that emanated from the respective peace process negotiations. A similar confluence of favorable conditions facilitated a political settlement in each country, and that settlement revolved around recognizing minority community interests and weakening the winner-take-all aspects of the electoral state. Each new dispensation included the voices of minority groups over and above their mere numerical proportions of the population. But history shows that the power-sharing arrangements that brought a reduction of conflict to South Africa and Zimbabwe were ultimately temporary and were used as transitional mechanisms to move the state to something quite different. O'Donnell and Schmitter note that in most cases such institutional pacts are "regarded as temporary solutions," and commonly consensual formulas "only last for a while and then lead to a more egalitarian, individualistic, competitive, and broadly accountable democratic outcome."[39] The transitory nature of institutional power sharing in South Africa and Zimbabwe may not have been a positive thing. Zimbabwe in particular has lapsed into a de facto one-party state since the removal of its consensus institutions. But the key point is that they were transitory, and thus it is logical to believe that Northern Ireland's power-sharing arrangements will be ultimately transitory, too.

[38] Christine Sylvester, *Zimbabwe: The Terrain of Contradictory Development* (Boulder, CO: Westview Press, 1991), 50.

[39] O'Donnell and Schmitter, *Transitions to Democracy*, 41.

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South Africa's interim constitution of 1994 was semiconsensual but did not display as high a number of obvious consociational characteristics as the Good Friday agreement. A mandated power-sharing executive—Government of National Unity—included all parties who had won over 5 percent of the seats in parliament; and the second largest party, the National party, was awarded one of the deputy presidency positions. The electoral system was the purest form of PR to be found in the world, and seven parties gained representation—four of them with less than 3 percent of the vote. There was a minority veto in the Constitutional Assembly, as clauses within the permanent constitution had to receive a two-thirds majority for passage. Outside of the institutional regime there was a high degree of economic pacting between representatives of white business and the black elite. But the constitution remained unitary and without provisions for communal segmental autonomy, that is, there was no Volkstaat or special legal privileges reserved for Afrikaners. In Zimbabwe, the constitutional dispensation introduced by the agreement brokered by the British government between the Rhodesian regime and the liberation forces proved to be restrained majority rule. There was no mandated power-sharing executive, but ZANU (Zimbabwe African National Union) in the interests of a smooth transition appointed both members of the opposition ZAPU (Zimbabwe African People's Union) and independent white politicians to the cabinet. The first multiparty elections in 1980 were conducted under list PR, and 20 percent of the seats in parliament were reserved for whites. To an even greater extent than in South Africa, much of the power sharing went on outside of the electoral sphere in pacts between the black-dominated political sphere and the white-owned economic sphere.

However, the inclusive institutional arrangements in both countries were fairly quickly scaled back to create something much more akin to restrained majoritarianism (in the case of South Africa) and fully blown majoritarianism (in Zimbabwe). The permanent constitution adopted by the South African parliament in 1996, implemented after the elections of 1999, did away with the mandated Government of National Unity and entrenched no minority veto for regular legislation. Nevertheless, the inclusive PR system remained for the 1999 elections, albeit with a promise to review the situation for the elections of 2004. In Zimbabwe, Robert Mugabe moved as far away from the Lancaster House constitutional inclusion as he possibly could. He switched the electoral system back to first past the post in 1985, made himself president rather than prime minister, and abolished the whites-only reserved seats in 1987. The only form of power sharing that remains today in Zimbabwe is the undemocratic economic pacting of white and black elites that has protected not merely white wealth, but also enriched the senior ZANU leadership.

Conclusion

If the new institutional arrangements in Northern Ireland are taken to be transitional—a sunset clause to smooth the passage to more fundamental change—

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then the crucial question for Ireland's future becomes, transitional to what? For many reasons, a return to the status quo of Unionist hegemony that existed before 1998 is no longer an option. That would simply not be accepted by any party to the conflict outside of the extreme wing of the Unionists. The British, Irish, and American governments would not accept such a retreat at this stage, and the violence that would break out from the Nationalist community within the six counties would no doubt be more serious than the worst of the troubles. But there are a multitude of alternatives to simple reunification of the north and south that have been proffered. However, the case for any of these alternatives coming to fruition is weaker than the case that the Good Friday power-sharing arrangements are ultimately likely to lead to a united Ireland.

The primary alternatives to reunification (or a return to the pre-1998 status quo of direct rule from Westminster) are threefold. First is self-government for the six counties under the sovereign umbrella of the United Kingdom. This is what the Good Friday agreement winks toward, although the current proposals stop short of unfettered home rule. Second is independence within Europe (the Scottish National party option), which envisions Northern Ireland as an independent state with close ties to the European Union in economic and social affairs. Third is joint British and Irish sovereignty over the province. The problem is that just about nobody in the province wants the second or third options, and home rule for Northern Ireland only has a chance if it operates on the basis of a broad minority-majority pact. A broad power-sharing pact in the Northern Irish context is inherently transitional to something else. The idea of independence within Europe appeals to some leading Catholic and Protestant business people in Derry and Belfast, but to both Nationalists and Loyalists it is a very poor second choice against achieving their ultimate aim. Furthermore, it is unlikely that the struggling six-county unit in the north would survive as anything approaching an independent economic entity. Similarly, joint British and Irish sovereignty pleases no one unless the Nationalists see it as a transitional arrangement before reunification.

If the Good Friday power-sharing arrangements are not set in stone for all time, then reunification is the logical end step of the current process. Clearly, there has been a degree of subconscious Unionist acceptance of the inevitability of change, although it is equally clear that moderate Unionist leaders do not believe that reunification will be the end point of the process that they helped unleash. But the same was true in South Africa and Zimbabwe. Neither F. W. De Klerk nor Ian Smith believed that they were simply handing over power to the disenfranchised minority when they initiated negotiations in their respective states. Both felt they could actually manipulate the process to keep their parties' government with the backing of more malleable parts of the previously excluded majority.[40] But neither De Klerk nor Smith understood the juggernaut they had set rolling, and it is possible that Ulster Unionist party leader David

[40] See Reynolds, *Electoral Systems and Democratization in Southern Africa.*

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Trimble is laboring under the same mistake. The optimist might also point to the possibility of the 1998 power-sharing institutions having a moderating and integrating effect on the leadership of the two communities in the north. If a majority vote for reunification is twenty-five years away, the power-sharing lesson might make neighbors less distrustful. However, the issue of demographic change remains the key. If constitutional Nationalists have enough votes to bring about reunification, they will use them as soon as they have the opportunity. At that stage the question becomes whether unity is bloody or peaceful, and that will be determined by the events of the next quarter of a century.

There are three main options to what a reunified Ireland might look like politically. First, the six counties of the north could be reincorporated into the existing unitary Irish Republic without any special arrangements for that part of the island that was formerly British. Second, reunification could spur the creation of a confederal Ireland based on parliaments in the four historic provinces. Sinn Féin policy from 1972 to 1982 was to pursue the federal Ireland option. Third, there might be a package of consensual institutions built into the Republic's constitution to placate their returning citizens: asymmetrical federalism, a more powerful regionally based second chamber, and some degree of cultural legal autonomy. This is perhaps the most likely shape of any future united Ireland, as the first option would not be countenanced by even moderate Unionists and the second would involve a sharp reduction in Dublin's power, which might be a little further than the capital city politicians want to take the whole matter.*

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Political Parties and Candidate Selection in Venezuela and Colombia

JOHN D. MARTZ

Stasiology, the study of political parties, has experienced a checkered career at the hands of social scientists specializing in Latin America. This is not the space in which to engage in a review of the literature.[1] For present purposes, suffice it to say that the powerful democratizing hemispheric movement occurring since the close of the 1970s has inevitably sparked a revival of interest in the parties as well. Yet the veritable inundation of literature dealing with regime change—both the transition to and the consolidation of democracy—has not probed deeply the subject of parties. A review essay considering a dozen recent publications about democratization and development has confirmed the fact that notwithstanding a general recognition of parties as important agents affecting the fate of democratization, this has not been accompanied by concomitant research.[2] In short, theorizing about transitions to democracy and subsequent success or failure has been sharply constrained by the relative lacunae surrounding the study of parties. Furthermore, there are those who contend that it is precisely as contemporary democratization occurs that the parties are declining in importance. Thus Philippe C. Schmitter, while conceding that parties remain indispensable for the formal organization of electoral competition, contends that "they have lost a great deal in terms of militants, followers, internal participation, programmatic coherence, and credibility with the general public."[3]

[1] A brief bibliographic overview is included in John D. Martz, "Party Elites and Leadership in Colombia and Venezuela," *Journal of Latin American Studies* 24 (February 1992): 87–89.

[2] John D. Martz, "Economic Challenges and the Study of Democratization," *Studies in Comparative International Development* 31 (Spring 1996).

[3] Philippe C. Schmitter, "Transitology: The Science or the Art of Democratization?" in Joseph S. Tulchin with Bernice Romero, eds., *The Consolidation of Democracy in Latin America* (Boulder, CO: Westview, 1995), 23.

The late JOHN D. MARTZ was professor of political science at Pennsylvania State University. He wrote numerous works on democratic transition and United States–Latin American relations, and was editor of the journal *Studies in Comparative International Development.*

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Whether one accepts this view with or without qualification, there can be little doubt that contemporary parties are confronting serious problems in adapting to political reality, even in the merely formalistic democracies. Questions of internal democracy are among the most critical. If broadly systemic democratization has been unfolding in the hemisphere, one must ask whether a similar current is flowing inside the parties themselves. Traditionally, the better organized parties and those enjoying the greatest electoral success have been characterized by centralized authority. There has been a general resistance to organizational democratization and a reluctance to move toward increased participation. As a point of departure, it is assumed here that party elites seek to preserve their organizational domination. This requires control of participation and of activity at the grassroots. It is nowhere more crucial than in matters of candidate selection, most particularly that of a presidential nominee. This suggests that a basic research question must inquire into the nature and strength of party elites. It is especially fruitful to pursue the issue over the years, rather than merely examining a single snapshot frozen in time. Have changes evolved and, if so, what direction have they taken?

In seeking some understanding of the Latin American experience, it is useful to explore the phenomenon of selection by studying two of the longer-established democracies, Venezuela and Colombia. This choice is justified by the fact that within the hemispheric context they have been among the more mature democracies, with their respective party systems playing a fundamental role. In each nation, today's contemporary systems date from their creation in 1958 and were effectively consolidated long before the host of severe dislocations occurring in recent years. Furthermore, a drive toward a liberalizing and democratizing *apertura* has included proposals to further the internal democratization of the parties.[4] For traditional party elites, more comfortable with hierarchical processes and centralist control, the choice of president has predictably constituted a critical matter ever since the emergence of the two contemporary democracies four decades ago.

This article is oriented around the role and influence of party leadership in the selection of presidential candidates. We must first determine whether party elites are united in their preference of candidate and if so whether their control is sufficient to avoid meaningful internal competition among would-be aspirants. In cases where the answers are negative, the nature of the competition

[4] This is not the place for a detailed restatement that has already received considerable attention in the literature. In general, in Venezuela then-President Jaime Lusinchi in December 1984 established a special blue-ribbon committee for the reform of the state (COPRE—Comisión Presidencial para la Reforma del Estado). Its continuing efforts have encouraged a variety of provisions aimed at the revitalization of democracy; those directly related to internal party structure and organization have not been extensively implemented. For Colombia, the far-reaching reforms embedded in the new 1991 constitution, along with growing demands for new legislation regulating internal party affairs, have also received far greater rhetorical than practical attention. Among several convenient sources for more extended discussion, see Martz, "Party Elites and Leadership," 114–20.

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TABLE 1

Candidate Selection—Venezuela

Year	*Party*	*Leadership*	*Candidacy*	*Participatory*	*Candidate*	*Leadership Choice*
1958	AD	united	noncompetitive	no	Betancourt(W)	yes
	COPEI	united	noncompetitive	no	Caldera	yes
1963	AD	united	noncompetitive	no	Leoni(W)	yes
	COPEI	united	noncompetitive	no	Caldera	yes
1968	AD	divided	competitive	yes*	Barrios	yes
	COPEI	united	noncompetitive	no	Caldera(W)	yes
1973	AD	united	noncompetitive	no	Pérez(W)	yes
	COPEI	divided	competitive	yes†	L. Fernández	yes
1978	AD	divided	competitive	yes*	Piñerua	yes
	COPEI	united	noncompetitive	no	Herrera(W)	yes
1983	AD	divided	competitive	yes#	Lusinchi(W)	yes
	COPEI	united	noncompetitive	no	Caldera	yes
1988	AD	divided	competitive	yes#	Pérez(W)	no
	COPEI	divided	competitive	yes†	E. Fernández	yes
1993	AD	divided	competitive	yes#	Fermin	no
	COPEI	divided	competitive	yes*	Paz	yes

* Party primary
† Party convention
# Party electoral college
W Winner

and rank-and-file participation must be examined. A variety of mechanisms may be employed in candidate selection, including party conventions, primaries, and electoral colleges. The first of these may range from a mere rubber-stamping of decisions already adopted by the central leadership to an open fight with the outcome in doubt. With primaries, the significance may run the gamut from decisive to symbolic, depending upon structure, timing, and the rules for representation. An electoral college provides another option, one which is also greatly influenced by the selection of delegates who will cast votes. Whatever the mechanism, there is then the question asking whether the party leadership can accept the outcome if contrary to its wishes or alternatively ends up by dividing the party. Beyond this, finally, is the electoral fate of the candidate tapped by the party. All of this incorporates a wide variety of factors, as suggested in the following analyses. It also raises questions about potential trends over time. In the interests of clarifying dynamic processes that are often complex, discussion of both Venezuelan and Colombian candidate selection is summarized in Tables 1 and 2.

The study of individual cases predictably encompasses a broad array of elements. Beyond the preferences of party elites, there are questions about the doctrinal orientation of aspiring precandidates. Whether or not these become germane for a particular contest, there are also personal factors reflecting the vote-getting abilities of potential candidates. Given a situation of competition that the leadership cannot avoid, the character of grassroots participation ac-

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TABLE 2

Candidate Selection—Colombia

Year	*Party*	*Leadership*	*Candidacy*	*Participatory*	*Candidate*	*Leadership Choice*
			[Frente Nacional]			
1958	Libs	united	noncompetitive	no	Lleras C.(W)	yes
	Cons	united	noncompetitive	no	Lleras C.(W)	yes
1962	Libs	united	noncompetitive	no	Valencia(W)	yes
	Cons	united	noncompetitive	no	Valencia(W)	yes
1966	Libs	united	noncompetitive	no	Lleras R.(W)	yes
	Cons	united	noncompetitive	no	Lleras R.(W)	yes
1970	Libs	united	noncompetitive	no	Pastrana(W)	yes
	Cons	united	noncompetitive	no	Pastrana(W)	yes
1974	Libs	united	noncompetitive	no	López(W)	yes
	Cons	united	noncompetitive	no	Gómez	yes
1978	Libs	divided	competitive	yes##	Turbay (W)	yes
	Cons	united	noncompetitive	no	Betancur	yes
1982	Libs	divided	competitive	yes##	López	yes
	Cons	united	noncompetitive	no	Betancur(W)	yes
1986	Libs	united	noncompetitive	no	Barco(W)	yes
	Cons	united	noncompetitive	no	Gómez	yes
1990	Libs	divided	competitive	yes**	Gaviria(W)	yes
	Cons	divided	competitive	no	Lloreda	yes
1994	Libs	divided	competitive	yes**	Samper(W)	yes
	Cons	united	noncompetitive	no	Pastrana	yes

Congressional elections
** *Consulta popular*
W Winner

quires immediate relevance. This also focuses attention on organizational centralism and the capacity of the leadership to maximize control. The mechanisms whereby authority may be maintained and participatory forces minimized are various. In the final analysis, party elites seek to win the presidency. Beyond that obvious if fundamental reality lie those matters related to organizational strength and to enduring authority within the party. Where participation may be permitted but essentially held in check, party elites will happily accommodate liberalizing pressures that do not challenge their control. To unravel this configuration of interrelated variables requires the examination that follows.

VENEZUELA

During the initial years of Venezuela's democratic era, party politics were marked by factionalism, fragmentation, and a proliferation of presidential candidates. There were three candidates and four parties in 1958; five years later there were seven competitors; by 1968 there were six presidential competitors appearing on the ballots of sixteen different parties, while another seventeen parties competed in congressional and municipal races. The zenith was reached in 1973 with no fewer than a dozen presidential candidates and more than twice

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as many national or regional parties competing for legislative and municipal positions.[5] That was the year of Venezuela's critical election, which recast the party system into one reflecting the biparty hegemony of Acción Democrática (AD) and the Social Christian COPEI. The two parties alternated in the presidency every five years until 1988, while winning at least three-fourths of the vote in congressional races. To study candidate selection in Venezuela, therefore, centers upon the respective experience of the social democrats (AD) and the Christian democrats (COPEI). Of the two, Acción Democrática has been confronted more frequently with serious competition and thus has experimented with a variety of means to guide the party without jeopardizing either electoral outcomes or internal unity. Its failures have nearly equaled its successes.

In 1958, there was no question about the candidacy of the dominant member of the AD's founding generation, already one of the recognized leaders of Latin American democracy. Thus Rómulo Betancourt was chosen and subsequently won office. Five years later, the competition was framed within a systemic rather than personal context. Given the fragility of Venezuelan democracy, buffeted by attempted military *golpes* (coups) as well as by serious *fidelista* (Castro supporter) violence, the departing Betancourt explicitly supported a procedural formula to choose his successor—perhaps an independent—acceptable to both COPEI and AD. In this he was firmly opposed by both the party hierarchy and the rank-and-file. Thus at the national convention there was a clear expression of party sentiment in the selection of Raúl Leoni, who subsequently won office. In the runup to the 1968 national elections, however, internal competition was fierce over what was presumed to be a certain party victory, thereby retaining the presidency for yet another five years. The nomination was seen as the preserve of one of the two remaining leaders of the party's founding *vieja guardia* (old guard). The contenders were Party President Luis Beltrán Prieto Figueroa and Secretary-General Gonzalo Barrios. From mid-1967, the competition escalated dramatically. There was the element of personalism, for each of the two contenders felt that the loser would be too old to win nomination five years hence. In addition, there were clear policy differences. Prieto and his supporters believed that after ten years during which the party had emphasized the survival and strengthening of democracy, it was time for a return to traditional party commitments toward social welfare and an uplifting of the masses. Barrios and his backers argued that continuity with the Betancourt and Leoni administrations was the highest priority, and that the nascent democracy still required more time to mature before directing primary attention to potentially disruptive social reforms.

[5] John D. Martz and Enrique A. Baloyra, *Electoral Mobilization and Public Opinion: The Venezuelan Campaign of 1973* (Chapel Hill: University of North Carolina Press, 1976), 9–10. In a contemporary study of that nation's parties, no fewer than 159 legally organized parties or electoral groups were identified for the 1958–1973 years. See Manuel Vicente Magallanes, *Los partidos políticos en la evolución histórica venezolana* (Caracas: Editorial Mediterraneo, 1973).

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Given this deeply felt personalistic and doctrinal rationale for competition, the party sought to resolve matters through the untried mechanism of a party primary. Conducted in September 1967, with all card-carrying *adecos* (members of AD) eligible to participate, it was disrupted by violence in several regions of the country. A climactic dispute over the vote in Cumaná culminated in the simultaneous withdrawal of *prietistas* (supporters of Prieto) from party executive bodies and their expulsion by the so-called loyalists backing Barrios. By all indications—including partial vote totals—Prieto had won a majority in some fifteen of the party's twenty-five regional organizations. However, the party machinery was controlled by Barrios, and the extended dispute led to a party division and the Barrios candidacy for the AD and that of Prieto for his newly minted Movimiento Electoral del Pueblo (MEP). Thus the primary had not merely exacerbated party disunity but had divided the previously undefeated AD. The December 1968 electoral contest brought victory to COPEI's Rafael Caldera by one percentage point over Barrios. The combined total for Barrios and Prieto was 49 percent as contrasted with the Caldera total of 29 percent. Speculation about the emergence of the AD as a Venezuelan counterpart of the PRI in Mexico was dissipated as a result. The division clearly cost the AD the election and a continuation of its monopoly of presidential power. The consequences of the selection process, therefore, had mirrored party problems, which led to results of historic proportions. For Acción Democrática itself, party unity was not swiftly or easily reconstructed and even then was achieved with a high price in the loss of major leaders of the party organization.

Five years later the *adeco* elites decided matters without recourse to a primary or even to concerted pre-convention competition. Former President Betancourt, constitutionally eligible for a second term that appeared his for the asking, froze the internal party situation by withholding his eventual announcement of noncandidacy until the last moment. This left as serious contenders only Gonzalo Barrios and Bentancourt's one-time protégé and leader of the party's second generation, Carlos Andrés Pérez. Betancourt quietly discouraged Barrios from a second candidacy, and the convention then rubberstamped the selection of Pérez, who went on to a smashing electoral victory in December 1973. By 1978, the party faced an internal difference in preferences between Secretary-General Luis Piñerua Ordaz, who enjoyed organizational strength plus the approval of Rómulo Betancourt, and David Morales Bello, a confidante of President Pérez. Morales's candidacy was anathema to Betancourt, who urged and sparked the movement to another internal primary. Ultimately, Piñerua was opposed instead by the AD's congressional leader, Jaime Lusinchi, who had the implicit backing of President Pérez. The two aspirants agreed upon the convening of a direct primary, one in which all 1.3 million party members were eligible to participate. The pre-primary competition was intense, and there were several outbursts of violence between partisans of the contenders. However, the struggle was less ferocious than that of 1967. In August of 1977, Piñerua won an estimated 62 percent of the vote, capturing all but

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one state and one federal territory from Lusinchi. In general elections, however, Piñerua lost by some 3 percent of the vote, and there were many recriminations charging that the internal fight had weakened the party and contributed to an admittedly poorly organized campaign on Piñerua's part.

By 1982, the leadership had recognized that discord and disharmony were merely strengthening COPEI's hand, and there was a diminution of preconvention hostility. In August of 1981, Jaime Lusinchi assured his eventual selection in competition with Morales Bello by negotiating a deal that assured the support of the party's Labor Bureau. He backed Labor Secretary Manuel Peñalver for party secretary-general. Peñalver became the first labor leader in party history to achieve this powerful and influential position. At the same time the party's *cogollo* (internal circle), preoccupied with any threat of serious dissent and the potential challenge to its own authority, devised a kind of electoral college to choose the candidate. A variety of controls were engineered to limit eligibility for participation and assure that loyalists would hold key positions. The result was a ready confirmation of Lusinchi over Morales Bello, paving the way for Lusinchi's defeat of Rafael Caldera in the 1983 general elections. Even so, some animosities within the party again arose.[6] This assured even greater caution over the choice of the 1988 candidate. On this occasion the candidate of the party leadership, as well as President Lusinchi, was the veteran Octavio Lepage. His opponent was Carlos Andrés Pérez, seeking to be the first president under the 1961 constitution to win a second term in office.[7]

Much as had been the case in 1967, there was a sharp contrast between the organizational preference and popular sentiment, causing a renewal of tensions between elitist controls and democratic participation. Lengthy negotiations centered on the question of the number of party members (as identified by elected or party positions) eligible to participate. The smaller the number, the greater the organizational control; the larger the number, the better for the popular Pérez. Once the terms were set, the process went forward smoothly and resulted in a Pérez victory by nearly 2–1. By the time of the electoral college, it was widely believed—as polls were showing consistently—that the former president was a virtual certainty to win the election against COPEI's Eduardo Fernández, while a Lepage candidacy was far from a guarantee of victory. The outcome of the college competition was not in doubt, and in the end the Pérez forces joined in some manipulation of results in order to avoid an unduly one-sided outcome.

The second Pérez presidency proved to be highly contentious, eventually building toward a nearly universal popular rejection of his leadership and policies, which culminated in his impeachment. This left Acción Democrática in a mood of dispirited defeatism, while the entire party system was generally

[6] Commentaries that closely examine party matters are republished in Manuel Felipe Sierra, *Los hilos del poder* (Caracas: Ediciones Galera, 1986).

[7] See Carlos Andrés Pérez, *El quehacer y la historia* (Caracas: Afadil Ediciones, 1988).

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viewed by the public as corrupt and self-serving. In April 1993, the party once again turned to the electoral college as a mechanism, this time loosening somewhat the organizational controls. The competition pitted Carmelo Lauría (a Lusinchi confidante and the preferred choice of the *cogollo*) against a prominent leader of the AD's younger generation, Claudin Fermín, until recently the mayor of Caracas. With the party largely resigned to defeat as a consequence of Pérez's unpopularity, the contest was relatively desultory. While figures were carefully withheld, the Fermín victory margin exceeded 3–1; for the first time, there was also a problem of abstention.[8]

In turning to the case of COPEI, we find a contrasting history in the degree to which the process of candidate selection was dominated for many years by the party's founder and unchallenged leader, Rafael Caldera. The brief symbolic candidacies of 1947 and 1952 are not significant, but the experience of the democratic era reveals an organization controlled by the personal rule of one man. Caldera was the party's nominee in 1958, 1963, and 1968, reaching the presidency on the third of these efforts. Yet he was not without his critics inside the party, especially rising figures in the Juventud Revolucionario Copeyano (JRC), the party's youth wing. Although Caldera had run second in 1963 with 20 percent of the vote—an improvement over a distant third place finish five years earlier—there were elements on the party's left that were unenthusiastic about his candidacy in 1968. Had he been defeated in national elections, the internal conflict might have been severe. As it was, he retained his power and moved to name his putative successor in 1973 when, for the first time, he could not be the *copeyano* standard bearer. Thus the competition in truth focused on control of the party, as reflected by precandidates Lorenzo Fernández for the *calderistas* and Luis Herrera Campins for party reformers. The contest had in effect begun before 1973 in such matters as selecting the party secretary-general. However, it was the subsequent party gathering that confirmed Caldera's authority. At the Second Extraordinary Convention in March of 1972, the first ballot eliminated all the secondary precandidates, and Fernández, with Caldera's evident backing plus the weight of the government, prevailed over Herrera in the second round by a vote of 506 to 444.[9]

Following the AD defeat of Lorenzo Fernández, Luis Herrera Campins emerged as the obvious frontrunner for the 1978 nomination. Rafael Caldera was decidedly unenthusiastic, while Herrera had swallowed his pride in accepting defeat without bolting the party—something uncharacteristic of Vene-

[8] There is discussion of these conflicts in Michael Coppedge, *Strong Parties and Lame Ducks: Presidential Partyarchy and Factionalism in Venezuela* (Stanford: Stanford University Press, 1994), 97–109, although his focus is more on the rivalry between "Ins" and "Outs."

[9] For detailed discussion of internal *copeyano* conflict through the 1960s and 1970s, see Donald L. Herman, *Christian Democracy in Venezuela* (Chapel Hill: University of North Carolina Press, 1980). See his treatment of Herrera's campaign in "The Christian Democratic Party" in Howard R. Penniman, ed., *Venezuela at the Polls: The National Elections of 1978* (Washington, DC: American Enterprise Institute, 1980), 133–54.

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zuelan parties of the 1960s and 1970s. For Caldera, desirous of cementing his enduring domination of the party while anticipating another candidacy in 1983, his choice for party secretary-general was defeated, and the Herrera forces gradually gained the upper hand in most state organizations. At this juncture, Caldera sought to restore his hegemonic position through a revision of methods that might resolve internal conflict. He proposed a so-called Gran Congreso Nacional, designed to include independents and sympathizers as well as card-carrying party members. The victor would presumably be a national rather than partisan nominee and at the same time might more likely be susceptible to Caldera's preeminent personal role. However, the mechanism proved inoperable until later, for Herrera's candidacy became a foregone conclusion well before his official nomination at the Fifteenth National Convention in August of 1977. He won national office, *herrerista* forces joined him in the administration, and Rafael Caldera—eligible for a 1983 candidacy after two full terms out of office—prepared for his next presidential bid.[10]

When the time came, there was no serious opposition to his candidacy, with the Herrera forces having been decimated by the manifest failures of his government and the resounding rejection by the public. Indeed, the latter assured Caldera's defeat by Jaime Lusinchi, and it has only been after 1983 that the historic *calderista* dominion fell into question. In the wake of the 1983 elections, it was generally believed that Eduardo Fernández, party secretary-general and longtime protégé of Caldera, would carry the party banner in 1988. As time passed, however, it became evident that Caldera intended yet one more try for a second term. The rationale for this competition was preeminently personalistic while also implicitly generational as well; certainly ideological factors were not in question. After a lengthy and divisive struggle, much of it hidden from public eyes, Fernández's control of the party machinery prevailed against the prestige and reputation of the former president. At a Gran Congreso Nacional, which Caldera had again seen as a mechanism for assuring his own success in gaining the nomination, he was instead rejected. Stunned that his party could deny him the nomination and embittered at what was to him a personal betrayal by Fernández, he sat out the campaign and was distinctly unperturbed by COPEI's loss to Acción Democrática. The selection of Fernández and denial of Caldera resulted in a fundamental rift that has plagued COPEI ever since. After the 1988 elections, Fernández retained control of the apparatus while Caldera remained a vocal figure on the national scene. His was an eloquent voice in defense of the democracy when it was threatened in 1992 by two attempted military uprisings, at the same time decrying the shortcomings of the government and harshly attacking prevailing political elites. By mid-1993 his independent candidacy had become official, and in December the 78-year-old won his cherished second term.[11]

[10] An examination of party meetings and conventions is found in Paciano Padrón, *Siembra de democracia (COPEI a través de sus convenciones nacionales)* (Caracas: Ediciones Centauro, 1982).

[11] The events of the early and mid-1990s are neatly analyzed and recapitulated by Richard S. Hillman, *Democracy for the Privileged: Crisis and Transition in Venezuela* (Boulder, CO: Rienner Publish-

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For COPEI, Eduardo Fernández had retained control of the apparatus. However, his sporadic attempt to buttress the embattled Pérez administration—designed in no small part to protect the democracy in which COPEI might regain power in 1993—merely tarnished his position inside the party. Furthermore, lingering doubts about Caldera's party status contributed indirectly to the rapid ascent of Zulia Governor Oswaldo Alvarez Paz. Even before Caldera's official announcement of his independent candidacy, Alvarez Paz had parlayed disenchantment with Fernández to introduce his own candidacy. In a competition, the rationale for which was purely personal and opportunistic, the challenger unexpectedly struck through the mechanism of a primary, the first in COPEI's history. With the party machinery rusty and ill prepared by Fernández, Alvarez Paz capped a few weeks of intense campaigning to defeat his opponent by a decisive margin of more than 2 to 1. The organization of the primary itself had been haphazard, and an estimated 2 million ultimately participated—a number well above COPEI's official claims for party membership. The consequences included a national campaign in which Fernández supporters gave no more than token support to Alvarez Paz, who ran a poorly planned and weakly organized campaign. While it is highly unlikely that this candidacy might have carried the *maracucho* (person from Maracaibo) to power, the loss stimulated a new round of organizational infighting. Above all other considerations, however, the departure of Caldera—his election, his choice of advisers, and his adamant unwillingness to deal with *copeyanos* as other than traitors to his cause—destined COPEI to a position that in the short run is scarcely encouraging. In the final analysis, while Rafael Caldera had periodically been challenged and was for a time outmaneuvered by Luis Herrera Campins and his supporters, his extraordinary personification of Venezuelan Christian democracy has been so profound that whatever the methods employed, the consequences would revolve about the fate of the party's organizational founder and ideological mentor.[12]

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ers, 1994). Analyses by Venezuelan social scientists are now burgeoning, although some is little more than episodic narrative. Among recent works which seriously examine the crisis of the system, a few of the more notable include Aníbal Romero, *Aproximación a la política* (Caracas: Editorial PANAPO, 1994); also his *Decadencia y crisis de la democracia* (Caracas: Editorial PANAPO, 1994); Heinz R. Sonntag and Thais Maingon, *Venezuela: 4-F 1992: Un análisis sociopolítico* (Caracas: Editorial Nueva Sociedad, 1992); and Andrés Serbin, Andrés Stambouli, Jennifer McCoy, and William Smith, eds., *Venezuela: la democracia bajo presión* (Caracas: Editorial Nueva Sociedad, 1993). For a somewhat idiosyncratic but highly suggestive study that appeared shortly after the presidential inauguration of Rafael Caldera, see Joaquín Matte Sosa, *Patios cerrados/puertas abiertas: cambios, democracia y partidos en Venezuela 1988/1993* (Caracas: Monte Avila Editores Latinoamericana, 1994). In addition, there are useful if often outdated remarks appearing in a conference report prepared by both Venezuelan and North American academics. See Louis W. Goodman et al., eds., *Lessons of the Venezuelan Experience* (Washington, DC: Woodrow Wilson Center Press, 1995). For a highly useful set of electoral analyses by experienced Venezuelan scholars accompanied by relevant data, see CENDES, *El proceso electoral de 1993: análisis de sus resultados* (Caracas: Centro de Estudios del Desarrollo, Universidad Central de Venezuela, 1995).

[12] A contentious journalistic treatment, which nonetheless portrays tellingly important facts of Rafael Caldera as political leader, was published as he returned to office in an exceptionally difficult and

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Taking the Venezuelan experience as a whole, generalization cannot be pushed too far. This reflects, among other factors, the extraordinary position of Rafael Caldera in COPEI over nearly a half-century. Yet it is nonetheless evident that COPEI as well as Acción Democrática has periodically been confronted with competition over candidate selection. For the AD, there were meaningful doctrinal and generational disputes through 1967–1968, after which the competitive motivation has been essentially driven by personalistic ambitions. The party *cogollo* has consistently sought to exercise authority on behalf of the officialist candidate, relying on primaries or more recently on its self-styled electoral colleges. Yet the popular choice has generally won out, owing in part both to polling evidence and intuitive sentiment over the probable outcome of general elections. Thus a high degree of political pragmatism has marked the *adeco* leadership; over the years its utilization of primaries and other means of allegedly democratizing mechanisms has not tilted the party away from its most viable vote-getters, such as Pérez in 1988 and Fermín in 1993. In short, the consequences of varied forms of candidate selection have not cost the party an election since the increasingly distant exception of 1967–1968. Rather, the organizational channeling of party sentiment has tended to validate the choice of the strongest and most popular candidate.

In this sense, it can be said that although the party rank-and-file has been consulted via several mechanisms, the leadership has survived without any lasting diminution of its power. With COPEI, procedures for candidate selection have customarily been of less critical importance than for Acción Democrática. Caldera has so spread-eagled the process, granted his necessary if unhappy acceptance of the Herrera candidacy in 1978, that his departure has left the Christian Democrats bemused and confused. Their ultimate fate may yet await the eventual retirement from the political scene of Rafael Caldera, the party's intellectual guide, organizational founder, and today the last surviving founder of modern Venezuelan democracy.[13] In a broad sense, somewhat contradictorily, a pattern emerges in which a party's most popular precandidate is selected, and yet at the same time the organizational and political elite of the party succeeds in maintaining its position. This predominance, of course, is exercised between elections and over matters having little or nothing to do with candidate selection. In any event, the Venezuelan experience does mirror a change from

intimidating situation. See Departamento de Investigación de la Actualidad Política, *Caldera en el ojo de la tormenta* (Caracas: Fondo Editorial Venezolano, Colección Cultura Política, 1994).

[13] In company with the late Eduardo Frei Montalvo of Chile, Caldera is the leading intellectual and ideological exponent of Latin American Christian Democracy. His writings are too extensive to be listed here. One of many representative samples would be Caldera, *Especifidad de la democracia cristiana* (Caracas: Editorial Nova Terra, 1972). For a broad overview of his writings, see Miguel Jorrin and John D. Martz, *Latin-American Political Thought and Ideology* (Chapel Hill: University of North Carolina Press, 1970), esp. 411–21. Two important and readily accessible, if general, works are Edward A. Lynch, *Christian Democratic Parties: A Political Economy* (Westport, CT: Praeger Publishers, 1993); and the seminal work by Edward J. Williams, *Latin American Christian Democratic Parties* (Knoxville: University of Tennessee Press, 1967).

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past domination of party leaders. They have learned to live with political reality when it does not assure their own choice of candidate. Acción Democrática has thus far adjusted effectively to this passing of unchallenged central authority; the situation for COPEI is more uncertain as the Social Christians seek to redefine themselves for the next century in the absence of Rafael Caldera.

Colombia

The Colombian party system can be traced back all the way to its founding in the mid-nineteenth century. The historic division between Conservatives and Liberals has endured to the present, with minor parties rarely enjoying significant political influence. The deterioration and breakdown of the party system in 1953 led to an atypical military interregnum, after which a democratic regime was reestablished in 1958. The latter, however, adopted a series of broad systemic limitations, which among other things assured a biparty monopoly. It also deeply affected the process of presidential candidate selection in Colombia for the next sixteen years.[14] A pair of agreements between the two parties led to the creation of the Frente Nacional in the wake of military rule. This rested on the principles of *paridad* and *alternación*: the first divided public positions equally between Conservatives and Liberals; the latter called for alternation of the presidency between the two parties, first for twelve, then ultimately renegotiated for sixteen years and for the next four governments. These measures enhanced the traditional domination of Colombia's small political elite while resisting meaningful civic participation. While the parties were not as tightly organized as the Venezuelan, they were nonetheless controlled by national leaders, most particularly during the artificiality of limited democratic choice during the 1958–1974 years. It was tacitly agreed that the party responsible for naming the Frente Nacional president would make its own selection and convey this to the other party, which would presumably validate the decision at its national convention. All of this was expected in actual practice to confirm the selection of party elites; interparty disagreement or an absence of public approval were not possibilities to be seriously entertained. The tradition of biparty hegemony, formulated by elitist arrangements, would presumably be strengthened and reified by the Frente Nacional.

With the initiation of the Frente, it was ultimately decided that the first president would be a Liberal—Alberto Lleras Camargo, that party's representative in the lengthy pre-Frente negotiations with the Conservatives. Four years later, the mantle fell upon the Conservative Guillermo León Valencia, to be followed in 1966 by the Liberal Carlos Lleras Restrepo. Only in 1970 was there serious question about the choice of the Frente. The longstanding Conservative

[14] An early comparison of parties that remained valid throughout the Frente Nacional years is John D. Martz, "Political Parties in Colombia and Venezuela: Contrasts in Substance and Style," *Western Political Quarterly* 18 (June 1965).

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rivalry between the followers of ex-presidents Laureano Gómez (*laureanistas*) and Mariano Ospina Pérez (*ospinistas*) complicated matters. The Conservative leadership was divided, and the customary national convention was unable to render a decision while Liberal leaders impatiently awaited the outcome. Only after extended and opportunistic negotiations between Conservative and Liberal elders—strongly influenced by outgoing President Lleras Restrepo—was it finally possible to select a candidate.[15] Yet this process, while assuring a standard bearer to retain the Frente's administrative control for its final four years, produced instead a dull and unimpressive nominee who was confronted by the revived electoral movement of former dictator Gustavo Rojas Pinilla. Misael Pastrana Borrero eventually was declared victor by a small margin, following a succession of questionable manipulations and political calculations by the Frente elites.[16]

Only since 1974 has there been meaningful electoral competition, thereby opening the process of candidate selection to potential competition.[17] For the Conservatives, the conflict for years revolved about the basic division between *laureanistas* and *ospinistas*, a legacy that survived into the 1990s. It was based on personal rivalries, which had long since come to supersede the doctrinal differences of the 1940s and 1950s between Laureano Gómez and Mariano Ospina Pérez. With leadership of the two factions passing to Laureano's son Alvaro Gómez Hurtado and to Ospina's loyal follower, Misael Pastrana Borrero, candidate selection became relevant in 1974,when Pastrana was leaving the presidency and thus ineligible for a second consecutive term. Alvaro Gómez was consequently named by the Conservatives' national convention, after which he was soundly defeated in general elections. This left the internal competition unresolved while also opening the way to a longtime aspirant, Belisario Betancur. Although in earlier years a *laureanista*, he had become something of a maverick, and sought the support of both Conservative groups. In 1978, with neither Gómez nor Pastrana personally seeking the nomination, he succeeded in gaining the nomination and ran an effective if ultimately unsuccessful race against the Liberals, in the process building national support for the party and for his own future candidacy.[18] His strong showing, which reflected his capacity to reach non-Conservative independents, assured his selection once again in

[15] For a detailed accounting of the mechanistic process that ultimately led to the relatively unpopular selection of Lleras Restrepo's colorless minister of government, the *ospinista* Conservative Misael Pastrana Borrero, see John D. Martz, *The Politics of Clientelism in Colombia: Democracy and the State* (New Brunswick, NJ: Transaction Publishers, 1996).

[16] Useful sources include Marlo Latorre Rueda, *Elecciones y partidos políticos en Colombia* (Bogotá: Uniandes, 1974); Robert H. Dix, "The Varieties of Populism: The Case of Colombia," *Western Political Quarterly* 31 (September 1978): 334–51.

[17] Detailed analysis is found in Rodrigo Losada Lora, *Realidades de la concentración/dispersión del poder político en Colombia 1966–1978* (Bogotá: Pontificia Universidad Javeriana, 1983). Also see Losada, *Clientelismo & elecciones* (Bogotá: Pontificia Universidad Javeriana, 1984).

[18] See the discussion in Marlo Latorre Rueda, *Hechos y critica política* (Bogotá: Universidad Nacional de Colombia, 1986), 147–93.

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1982. When the Liberals divided that year, he seized upon the moment and led his party to victory in a competitive race for the first time since 1946, when the Liberals had also divided behind two rival nominees.

During his presidency and thereafter, Betancur held himself aloof from internal conservative factionalism. Thus the fortunes of the two party groups continued to wax and wane, with the presidential candidacy customarily negotiated by the elites and thereby avoiding unseemly public conflict. For 1986 it was evident that Alvaro Gómez was due another bid for office, a choice which the Pastrana forces accepted without great public complaint well in advance of the nominating convention. The decisive Liberal victory in general elections effectively marginalized the *laureanistas* from their normally powerful position, seemingly assuring an easy candidacy for the Pastrana-controlled *ospinistas* in 1990. However, political reality was to dictate otherwise, leading to a virtual division of the Conservatives at a time when the party's electoral appeal was at its lowest ebb in years. Facing the 1990 general elections, the party validated Misael Pastrana's chosen candidate, Rodrigo Lloreda Caicedo. However, the *laureanistas*, by this time more commonly identified as *alvaristas*, had already effectively broken away to proclaim the dissident Movimiento de Salvación Nacional (MSN) and put forward Gómez as candidate. In May of 1990, the MSN candidate finished second in the presidential race with 24 percent of the vote; Pastrana and his chosen candidate were humiliated by a distant fourth-place finish with 12.4 percent. The MSN subsequently maintained its independence in elections for the Constituent Assembly and Congress which were to follow.[19]

As 1994 elections neared, the panorama for the Conservatives remained cloudy, although once again candidate selection was conducted by political elites behind closed doors. While Alvaro Gómez and Misael Pastrana remained distanced from one another, many Conservative regulars were attracted to the latter's son, Andrés Pastrana Arango, a former media star and Bogotá mayor who had already created his own personal apparatus, the Nueva Fuerza Democrática (NFD). By late 1993, the younger Pastrana was running strong in the polls while carefully appearing to keep his father at arms' length. Announcing his formal NFD candidacy in February 1994, he gradually won the support and then the formal endorsement of other Conservative factions, importantly including Alvaro Gómez and the MSN. As he began campaigning for May 1994 presidential elections, he did so with broad Conservative acceptance, which he secured without a convention fight, primary contest, or other form of even minimal civic participation in the process. While the contest for 1998, following the prolonged agony of the embattled Samper administration, appears to be more open than ever before, it is probable that the historic Conservative division may

[19] Excellent analyses are found in Patricia Pinzón de Lewin, "Las elecciones de 1990" and Pinzón de Lewin with Dora Rothlisberger, "La participación electoral en 1990: un nuevo tipo de votante?" both in Rubén Sánchez David, comp., *Los nuevos retos electorales: Colombia 1990; antesala del cambio* (Bogotá: CEREC, 1991), 116–67.

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be drawing to a close. Alvaro Gómez was murdered in November 1995, while Misael Pastrana died in 1997. The pattern throughout the post-1958 democratic era, however, has been one in which the two historically hostile forces generally reached an accommodation over the presidential nomination. For all practical purposes, Conservative party elites generally reflected the best Colombian political tradition in quietly resolving conflict by informal and noninstitutional means, consciously hidden from the view of the electorate. For the Liberals, the competition has produced somewhat greater procedural complications.

When the Frente Nacional drew to a close, there were three prominent figures vying for power and influence, and their ongoing struggle constituted the essence of the Liberal candidate selection process up to the 1990s. Each served his own term in the presidency of the nation: Carlos Lleras Restrepo, Alfonso López Michelsen, and Julio César Turbay Ayala. The first of these, who remained significant in party affairs until the day of his death in 1994, consistently advocated a reformist commitment to the restructuring of important sectors of the Colombian economy and body politic. The second, himself the son of a Liberal president, was a critic of the Frente in its early years, leading his own dissident forces in the 1960s but then returning to the traditional Liberal mainstream with the encouragement of Lleras Restrepo during the latter's presidency. Turbay was the machine politician incarnate, one who pulled strings inside the party for years and successfully maneuvered himself into the presidency. When the Liberals faced the first post-Frente race in 1974, the candidacy of López Michelsen was a natural. Lleras Restrepo's prestige and Turbay's control of local and regional leaders carried López to an easy nomination at the Liberal convention, after which he won the general elections. The party selection for 1978, however, was very much at issue. With Turbay having assiduously courted and won the backing of most Liberal congressmen, Lleras Restrepo sought a method other than the usual party convention. To this end he advocated some form of primary or similar pre-convention test in which his own personal appeal might compensate for Turbay's control of the machinery.

In a characteristically Colombian elitist accord, the two aspirants and their advisers settled upon a legislative reform separating 1978 congressional and presidential elections. This Consenso de San Carlos accepted the congressional contest as the surrogate for a Liberal party primary. The pre-candidate whose identifiable followers won out with Liberal voters would thereby be designated and anointed at the subsequent convention, with the loser withdrawing from the contest. This mechanism, which Lleras Restrepo believed would be decided on the basis of his own personal appeal and reputation, instead proved responsive to Turbay's reliance on pure patronage and clientelistic incentives. President López Michelsen also quietly but unmistakably tilted toward Turbay, thus repaying the latter for his 1984 labors on behalf of the outgoing chief executive. The *turbayista* party victory led to his electoral defeat of Belisario Betancur, but did little to heal the wounds from the long conflict among the three men for political power, influence, and ascendancy to the presidency. When the Liberals

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turned to candidate selection once again in 1982, they were initially without a clear and obvious choice, although Virgilio Barco Vargas seemed to be standing at the head of the traditional Liberal *fila india*, or row of Indian chieftains lined up for their turn at the presidency. For Barco, whose past career as a technocrat did not greatly enhance his political standing, 1982 seemed the right time for his candidacy. Lleras Restrepo was viewed by some as having grown too elderly, while Turbay could not succeed himself. Talk of another run by López Michelsen began to spread, and a divided Liberal party leadership fell back on a common organizational tactic: turning over matters to a special electoral directorate that included three former presidents—Alberto Lleras Camargo, Lleras Restrepo, and Alfonso López Michelsen. In due course it produced another López candidacy, while Barco quietly withdrew from the field and Lleras Restrepo angrily denounced the decision and washed his hands of the contest.

Although traditionalists of the party establishment had thus imposed their choice via the familiar path of behind-the-scenes maneuvering, their victory was contested by a young pro-Lleras figure who picked up the reformist banner. Thus Luis Carlos Galán Sarmiento entered the picture. A critic of prevailing Liberal elitism whose demands for political reform were accompanied by proposals for relatively modest economic changes, Galán attracted a coterie of younger Liberals and independent professionals and created his own organizational vehicle, Nuevo Liberalismo (NL). Unwilling to accept a López renomination, he fought it out in the March congressional elections. When roundly defeated, he chose not to withdraw. Consequently, in the June 1982 general elections, Galán's 10.9 percent of the vote left López with 41.0, and the Conservative Betancur prevailed with 46.8 percent of the vote. It remained for the Liberals, out of power for the first time in years, to contemplate the 1986 nomination within the context of Galán and the NL's continuing challenge.[20] Once again the Liberal selection was to be decided by the outcome of March congressional elections, which had in turn been preceded by the virtually unanimous choice of Virgilio Barco by party regulars. As López put it when discussing the figure who had loyally stepped aside in 1982, "if not Barco, then who?" The Liberals proceeded to thrash the Conservatives (54.2 to 37.2 percent) while NL candidates won a mere 6.6 percent. Galán soon withdrew from the presidential race and endorsed Barco, who won the general elections in May decisively against Alvaro Gómez (58.3 to 35.8 percent).

The slow but perceptible impact of *systemic apertura* and a generalized movement toward a democratization of Colombia's rigidly controlled system registered on the institutional arrangements for 1990. Luis Carlos Galán, much like the onetime maverick Jorge Eliecer Gaitan in the 1940s, succeeded in parlaying his years as a Liberal outsider, critical of both the party's functioning and

[20] The literature on Galán is extensive. For a massive retrospective volume, admittedly partisan, which records his career in detail, see Luis Carlos Galán, *Ni um paso atrás, siempre adelante!* (Bogotá: Fundación Luis Carlos Galán, 1991).

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of its traditionalist policy orientation, into the position of clear frontrunner for the nomination. Although others were contesting the choice, Galán drew on his personal appeal to emerge as the leader in the polls. The Liberal leadership agreed to a more structured pre-convention mechanism by adopting what was termed a *consulta popular*. A virtual party primary, it was held in conjunction with March 1990 congressional elections and in practice moved toward a removal of the choice of candidate from the hands of elitist-controlled conventions or party directorates controlled by a small handful of leaders and former presidents. Thus the characteristics of a genuine party primary were introduced in Colombia, although only for the Liberals at the time. For Galán, the *consulta popular* was seen as a method to assure that his popularity would not be rebuffed or ignored by party elites; moreover, he expected an impressive victory that would confirm the strength of his mandate. In turn, the party leadership, unprepared for an independent Galán candidacy such as had cost them the 1982 race, hoped that if he could not be stopped, his independence might at least be curbed in the process. All of this changed when Galán was cut down by an assassin's bullets in August of 1989.

This thrust the Liberals into a competitive situation far more unpredictable and unstructured than they had undergone in many years. The son of the slain leader promptly announced his family's choice of César Gaviria Trujillo, a rising young Liberal who had recently become Galán's campaign manager. However, it was initially uncertain how successful Gaviria might be in assuming the *galanista* mantle in the eyes of the public. He was also confronted by two serious rivals. Hernando Durán Dussan was a veteran party leader representing traditionalist leaders and backed by regional party *caciques* (bosses), while Ernesto Samper Pizano was a younger figure, at least as much a reformist in orientation as Galán, whose national experience was more extensive than that of Gaviria. The bases of the competition were a mixture of doctrinal and generational factors, along with the potential for a shifting of party power internally. The use of the *consulta popular* had already been put in place, and thus the outcome was framed by the respective pre-candidates' campaigns. César Gaviria labored to retain the balk of Galán's supporters while skillfully maneuvering to capture the political center, forcing Durán to the right and Samper to the left. The result was a decisive victory for Gaviria with 60 percent of the vote, followed by Samper's 18.5 and Durán with 14.4 percent. The remainder was shared by three minor candidates. This paved the way for Gaviria's clear-cut victory in the general elections of May 1990. It also left Ernesto Samper as the leading contender for the nomination in 1994.[21]

After serving for a time in Gaviria's cabinet, Samper went to Madrid as ambassador and held himself aloof from domestic politics while other aspirants

[21] A detailed treatment of electoral party politics during this period is Rubén Sánchez David and Patricia Pinzón de Lewin, "Elecciones y democracia en Colombia" in Rodolfo Cerdas-Cruz, Juan Rial, and Daniel Zovatto, eds., *Uno tarea inconclusa: elecciones y democracia en América Latina 1988–1991* (San José, Costa Rica: IIDH-CAPEL, 1992), 287–311.

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engaged in continual efforts to assail his position.[22] No fewer than seven Liberals officially declared their intentions, eventually including Gaviria's minister of government, Humberto de la Calle Lombana. The Liberal Dirección Nacional, badly fragmented and fearing a breakdown in party unity, called back Julio César Turbay Ayala to oversee the contest, reduce the threat of factionalism, and assure a regularized and legitimized process. The former president eventually secured the agreement of all but one contender to participate in another election and accept the verdict: this test produced a decisive victory for Ernesto Samper Pizano on 13 March 1994. While his doctrinal trajectory had been to the left of the Liberal center, Samper sought the middle of the spectrum by persuading the runner-up, de la Calle, to join the ticket as vice-presidential candidate. This move in all probability was decisive in Samper's narrow victory in both the first and second round elections, while also seeming to enhance de la Calle's own future prospects. Party unity was also strengthened as Samper was inaugurated in August 1994.[23] However, the prolonged systemic crisis into which Colombia was plunged in the controversy over the financing of the 1994 campaign by the drug cartels, reaching all the way to the Casa del Nariño and Samper himself, so unsettled political conditions that party behavior for the immediate future was uncertain.

Taking the post-1958 democratic era as a whole, Colombia has been marked by largely successful efforts to decide the selection process on the part of both Conservative and Liberal leaders. As Harvey F. Kline aptly remarked, Colombian parties "have always been elitist instruments of control . . . . For the past thirty years, the real conflicts in elite politics have been between the various factions of the two parties."[24] With the Conservatives, it has been the split between Laureano Gómez and Mariano Ospina Pérez, which dates back a half-century. While originally reflecting doctrinal division between more rightist and more centrist forces respectively, this difference has been largely dissipated. Thus contests for presidential candidate selection have rested on the political ambitions of the two factions. Circumstantial conditions have largely shaped the official party choice, with the traditional convention nominally employed to legitimize the previous decision of the elites. The complications surrounding the naming of Misael Pastrana in 1970 as the anointed Frente Nacional candidate were based as much on Liberal as on Conservative factionalism. In later years, there was either no clear competitor to block a Gómez candidacy

[22] A long-honored Colombian tradition is the dispatching abroad of leading presidential contenders, thus removing them from the pressures and pitfalls of daily politicking. This stands in sharp contrast to Venezuela, for example, where few serious presidential precandidates have held an ambassadorial post.

[23] A detailed account appears in Martz, *The Politics of Clientelism.* For a thorough presentation and review of the general elections' presidential candidates and their programs, see Juan A. Castellanos and Jorge Tellez, *Presidenciales '94* (Bogotá: Planeta Colombiana Editorial S.A., 1994).

[24] Harvey F. Kline, *Colombia: Democracy Under Assault*, 2d ed. (Boulder, CO: Westview Press, 1995), 78.

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(1974 and 1986); both factions found acceptable the inevitable nomination of Belisario Betancur (1978 and 1982); total disunity led to separate Conservative organizations and candidates (1990); or there was an elitist agreement based on the absence of a clear *alvarista* option. With Gómez having been murdered and a rather disliked Misael Pastrana having died in 1997, the younger Pastrana was but one of several would-be Conservative candidates as the party faced a new century. Whether the tradition of closed party elitism will be altered remains in question.

The record for the Liberals has been more varied. This has perhaps responded in no small part to the value of the party nomination, for the only Liberal defeats at the national level have come when factionalism produced two candidates who canceled out one another's chances. Internal divisions have also been less structured and more complicated than those of the Conservatives. The years of competition for power, influence, and control among Lleras Restrepo, López Michelsen, and Turbay led to a host of complex, sometimes Machiavellian shifts in loyalties and alliances. Added to this was the role played by Galán and Nuevo Liberalismo, to be followed by the rise of a distinctly young generation headed by Gaviria and Samper, themselves rivals despite occasional collaboration. Moreover, supporters of Gaviria have more recently meddled behind the scenes in domestic issues, while Samper has been forced to confront problems and pressures that at times have threatened to destroy his administration. Such internal conflict has virtually forced upon the party the adoption of methods other than straight conventions based on elitist understandings. The primary-like approach, which led in time to the *consulta popular*, has worked reasonably well since its adoption and may well continue to thrive, especially as the influence of former presidents gradually recedes. While the tradition of former presidents' direct involvement in party affairs is alive and well, it is presently in decline. Lleras Camargo, Lleras Restrepo, Pastrana, and Barco have died. Betancur has largely rejected political activism, although López Michelsen and Turbay continue to voice their opinions about party and governmental affairs. Cesar Gaviria is ineligible for another term under provisions of the 1991 constitution as well as currently serving as OAS Secretary-General, although critics note that he and his colleagues remain very much interested in the course of both national and party affairs at home. What may follow the conclusion of the Samper presidency is open to speculation, but the possibilities of internal party upheaval suggest that candidate selection may be intensely contested, thereby necessitating ever closer attention to the mechanics of the process.

Conclusion

In considering the broad question of internal party democratization as documented through the process of presidential candidate selection, the examination of Venezuela and Colombia provides both contrasts and similarities. Vene-

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zuela has shown a relatively greater willingness for aspirants to test their appeal directly with party loyalists. There has been more reluctance to do so in Colombia, notwithstanding situations in which there were grave political divisions and rivalries demanding some form of compromise and resolution. However, the evidence in both nations supports the belief that party leaders are determined to maintain their traditional control, and that this is their overriding objective when candidate selection is the issue at hand. Whatever the pressures for greater and more meaningful participation, central party authorities seek measures and mechanisms that in the final analysis do not diminish unduly their hegemonic organizational control. The presence of a competitive situation constitutes a testing of the capacity of party elites to protect their power.

The reasons for competition are varied. However, for Venezuela and Colombia, these are most typically personalistic, with rival aspirants and their supporters vying for primacy. Where the dispute is largely ideological or doctrinal, party elites find themselves especially tested in attempting to contain the dispute, usually with damaging consequences. In Venezuela this was most noteworthy in the 1967 struggle within the AD. Introduction of a party primary merely hastened an eventual division of the party, which led to its first electoral defeat and a concomitant loss of national power. In similar fashion, the closest approach to a true doctrinal conflict in Colombia came with the rise of Nuevo Liberalismo and Luis Carlos Galán, resulting in the candidacy of two Liberals and the accompanying loss to the Conservatives in 1982. Otherwise, the competition has proved more susceptible to manipulation by organizational leaders' capacity to devise and introduce new procedures. Such measures as primaries, electoral colleges, and so-called *consultas populares* all succeeded in broadening participation by the party rank and file. Yet the basic intention of the elites was clearly to meet demands for democratization while covertly keeping a tight rein on the situation. A prime example is the repeated tinkering by Acción Democrática with the bases for participation in its electoral college voting, always with an eye to protecting the interests of the *cogollo*. Furthermore, in both countries the party leaders have usually (although not always) recognized the popular strength of the respective precandidates and have responded accordingly. In Venezuela, for instance, the AD accepted the primacy of Carlos Andrés Pérez in 1988; ten years earlier Rafael Caldera had ceded the *copeyano* nomination to Luis Herrera Campins. In Colombia, the Liberals, albeit reluctantly, had acceded to a Galán candidacy when he was murdered. The Conservatives until recently were more deeply divided because of the *laureanista-ospinista* heritage. But at least they accepted the seemingly strongest of its aspirants, including the two Betancur candidacies.

All of the evidence confirms that party leaders, predictably committed to their own political interests, remain determined to preserve their power and authority. At the same time, they recognize that as a practical matter, the sentiment for internal democratization cannot be ignored. It must somehow be accommodated. Through varied permutations of internal mechanisms and proce-

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dures, the elites have become more sophisticated and sensitive to the reformist challenge. In a few instances, the major parties have been unable to avoid divisions over the candidacy. The notable exceptions have been for Venezuela the AD split in 1967–1968 and the unresolvable conflict in COPEI surrounding yet another Caldera candidacy in 1993. In Colombia, the Liberals divided in 1982 and the Conservatives were unable to unite in 1990. Customarily, however, candidate selection has been negotiated without lasting damage to internal unity, and the ultimate party standard-bearer has generally proved the strongest of the aspiring contenders. Within the context of internal party organization, the dynamics revolving about presidential candidate selection mirrors the continuing determination of party elites to finesse popular demands for democratization. In both Venezuela and Colombia, the trend seems to be in the direction of greater internal competition among presidential precandidates; the inclination of the party leadership to provide at least cosmetic participation by the rank-and-file; and in a few instances a grudging willingness to accept candidates who were not the preference of the leadership. Centralized control today has become less inflexible than in the past. Nevertheless, it still lies at the very core of the parties' apparatus, even in such systemic democracies as Venezuela and Colombia.

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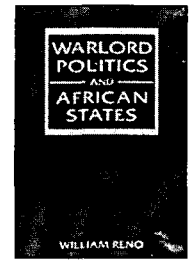

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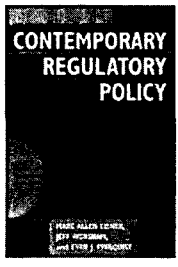

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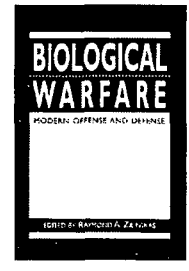

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The Mexican-American Diaspora's Impact on Mexico

YOSSI SHAIN

This article examines the changing relations between home countries and their diasporic populations in the United States, using the interaction between Mexican Americans and Mexico as a case study. I focus on two major interrelated questions: First, how are homeland attitudes toward kin diasporas and homeland intervention in diasporic affairs being transformed over time and why? Second, how do these homeland/diaspora-related changes affect conceptions of national and cultural identities within the home country itself? These questions are particularly interesting in the context of the United States, where newly mobilized ethnic groups have gained importance in U.S. civic culture and politics, and where new types of complex and elaborate interaction between ethnic Americans and their ancestral homelands have developed as a result of the growth of transnationalism.[1]

While many scholars have focused on the repercussions of diasporic influences on American foreign policy and issues of national identity and loyalty within the United States,[2] there has been little recognition of the fact that the political, social, and cultural effects of diasporas are not confined to the host

[1] See Yossi Shain, "Ethnic Diasporas and U.S. Foreign Policy," *Political Science Quarterly* 109 (Winter 1994–95): 811–41. A different version of this essay appeared in Shain, *Marketing the American Creed Abroad: Diasporas in the U.S. and Their Homelands* (New York: Cambridge University Press, 1999). Greatly increased interest in this subject has been expressed through the publication of several new works, including Luis Eduardo Guarnizo and Michael Peter Smith, eds., *Transnationalism from Below* (New Brunswick, NJ: Transaction Publishers, 1998); and Nancy Foner, "What's New About Transnationalism? New York Immigrants Today and at the Turn of the Century," *Diaspora* 6 (Winter 1997): 355–75.

[2] See Alexander DeConde, *Ethnicity, Race and American Foreign Policy* (Boston: Northeastern University Press, 1992).

YOSSI SHAIN, who teaches at Tel Aviv University, is currently the Aaron and Cecile Goldman Visiting Professor of Government at Georgetown University. His most recent book is *Marketing the American Creed Abroad: Diasporas in the U.S. and Their Homelands* (1999).

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country. I have discussed elsewhere the critical roles played by several U.S.-based diasporas in helping to attain homeland political goals such as national self-determination and the removal of dictatorial regimes.[3] This article explores the equally important impact diasporas have had on home country culture and society, in particular the construction and reconstruction of homeland national identity. The relatively recent rapprochement between Mexico and its U.S.-based diaspora after years of estrangement makes Mexico an interesting case study in this regard. Mexico's new posture toward its diaspora and consequently its attempt to reimagine itself as a "global nation"[4] is strongly connected to three things: the evolution of diasporic conditions in the United States, including the Mexican American community's political and economic empowerment, and its dual self-perception as both an integral part of American society and a distinct ethnic diaspora; the growing economic, political, and social impact of the Mexican American diaspora on homeland affairs; and changes in U.S.-Mexico relations in the era of the North American Free Trade Agreement (NAFTA). The first part of this article examines the ramifications of the interplay between the homeland's changing perceptions of its diaspora and of itself, while part two elaborates on the theory in view of the Mexican experience.

The Homeland's Conception of Emigration and Diaspora

States and regimes adopt different postures toward their diasporic communities, which vary significantly according to: the national ethos of the country of origin; official and societal perception of emigration in general; reliance on the economic investments of diaspora members and emigrant remittances; the makeup of the diaspora (emigrants, refugees, or exiles) and its general attitude toward the home regime; the political role assigned by the home regime (or its opposition) to the voice of the diaspora in domestic or international affairs of the home country; citizenship laws (*ius sanguinis* vs *ius soli*) and especially the possibility of holding dual citizenship. All these factors may be in flux, changing according to the transformation of the home country's regime, interests, and national self-perception; the material and political position of the diaspora abroad; the ways the home regime feels it can exploit and mobilize the diaspora's status and organizations; and the availability of symbolic and material means that enable home states to intervene in the life of their overseas population and enforce their will abroad.

Home governments, as prime manipulators of national symbols, use nationalist rhetoric to shape and control the attitudes and behavior of relevant constituencies vis-à-vis their rule. They tend to pose a psychological as well as an ac-

[3] See, for example, Shain, "Ethnic Diasporas."

[4] See Robert Smith, "De-Territorialized Nation Building: Transnational Migrants and the Re-Imagination of Political Community by Sending States" (paper presented at the Annual Meeting of the American Political Science Association, Washington, DC, 2-5 September 1993).

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tual cost on those who reject their authority and to reward those who respect their claims as legitimate. Governments also use their powers to promote and sustain the attachment of the people to the motherland and often use the national border to differentiate between "us," the insiders, and "them," the outsiders. The manipulation of loyalty boundaries often extends beyond state borders to include diaspora members who may be discredited as outsiders, or may alternatively be considered as insiders in accordance with the home government's changing view of them.[5]

While some states have defined national membership based on the formality of holding citizenship, other states have defined their nationality to include kindred populations outside their territorial confines—even if they never resided, intended to reside, or held citizenship status in the home country. Such states, by their own ideological definition, may be considered "diasporic entities." Germany is a classic case of this, though it is beginning to change. A law passed in 1999 allows foreign-born residents to apply for German citizenship after eight years (a shorter wait than the previous fifteen) and enables German-born children of foreign-born parents to gain citizenship if they have at least one parent who has lived in Germany for eight years. They may also maintain dual citizenship until the age of 23, when they must choose between German and their parents' original citizenship.[6]

Diasporic states tend to perceive national life outside the homeland as abnormal, transitory, or even theoretically impossible. Israel approximates the prototype of such a case. It calls itself a Jewish state. By including every Jew, irrespective of his or her place of residence or citizenship, as a part of its national community, the state of Israel was unable to define nationality solely in territorial terms or to create a new nationality detached from Jewish diasporic life. By the Law of Return (1950), which sets down the legal foundations for Jewish immigration into Israel, every Jew is automatically entitled to Israeli citizenship.

Moreover, since Zionism is based on the idea of *Shlilat ha'golah* (the negation of diaspora) the state of Israel has long perceived emigration from the Jewish state as a national calamity that threatens the national sovereignty of the Jewish people. The Israeli treatment of emigration "has been saturated with profound emotional and ideological weight, which is given symbolic expression by the accepted use of the term *yeridah* (descent), rather than the universal and neutral word 'emigration.'"[7] In 1976, the late Israeli Prime Minister Itzhak Rabin used the expression "the fallout of the weaklings" to describe Israeli contempt for emigrants. By the following decade, however, as individualism and materialism dissipated the strong sense of social solidarity that had character-

[5] See Yossi Shain, *The Frontier of Loyalty: Political Exiles in the Age of the Nation-State* (Middletown, CT: Wesleyan University Press, 1989).

[6] Roger Cohen, "Germany Ends Old View of Nationality," *International Herald-Tribune*, 22-23 May 1999.

[7] Ephraim Ya'ar, "Emigration as a Normal Phenomenon," *New Outlook*, January 1988, 14.

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ized Israeli society in its earlier years, public and official perceptions of emigration and diasporic life in general began to change. As Israel evolved into a more pluralistic society, and with the decline of the hegemonic ideology of the state's early years, more Israelis began considering emigration as an action of "normal" free choice and less and less as an act of treason.[8] Ephraim Ya'ar, an Israeli sociologist, has written that, in view of the phenomenal economic success of Israelis in the United States, Israel "must seek to preserve and strengthen the network of connection between the emigres and Israeli society, both because the emigres of today might be the immigrants of tomorrow and because they might be able to help the State of Israel, just as the American Jewish community traditionally has helped. . . . More advantage will be gained by encouraging their link to Israel than by making life difficult for them and calling them names."[9]

A recent proposal to extend voting rights to Israeli emigrants would, if implemented, reinforce this trend of widening the transnational scope of electoral campaigns, with the votes of citizens living overseas potentially rivaling diasporic financial contributions as a factor in Israeli elections. Changing perceptions of emigration may result in different postures toward mobilizing or ignoring a diaspora, a policy that in turn impacts on the home-country perception of itself and its internal politics. Israel is a good example of the flexibility of membership and loyalty in countries with a history of entrenched ideological opposition to emigration. Many other countries with kin diasporas in the United States have also reversed their positions vis-à-vis their expatriates, because of the changing circumstances of the transnational world, economic and political expedience, or dramatic shifts in domestic society. Such changes in the concept of membership tend to manifest themselves in legal changes to citizenship status and political rights such as voting.

Citizenship and Consular Involvement Abroad

A growing number of states regard the acquisition of American citizenship in purely practical terms. They recognize that immigrants are simply trying to improve their economic and professional prospects, and they therefore accept such behavior with few qualms over issues of loyalty. This is a significant departure from a more traditional viewpoint still found in many countries where the acquisition of nationality through naturalization is considered to be an indication of shifting allegiances "imposing on the individual the obligation to refrain not only from acts directed specifically against his country of adoption, but also from such acts as prove his firm attachment and loyalty toward his country of origin."[10]

[8] Yael Har Even, *Hayeridah Keba'aya Hevratit* (Hebrew) (MA Thesis, Tel-Aviv University, Department of Sociology, 1989).

[9] Ya'ar, "Emigration as a Normal Phenomenon," 17.

[10] N. Bar Yaacov, *Dual Nationality* (London: Stevens & Sons, 1961), 145.

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Some countries that consider their diaspora populations in the United States to be integral parts of their own nations may treat diaspora members as regular citizens, regardless of their residential or citizenship status abroad. From the home country's point of view—even if only rhetorically—such members of their diaspora are only waiting to return home. Ideological, political, and economic factors may be intertwined in the decision of how to approach the diaspora. Such decisions may vary dramatically over time according to conditions inside the homeland and the international standing of the home government, primarily vis-à-vis the United States.

The fact that home regimes tend to manipulate citizenship as a carrot-and-stick mechanism means that naturalization and denaturalization are not always final acts: "all patriots are potential traitors" and vice versa.[11] Changes in regime are particularly critical to the approach of homelands toward their kindred communities abroad. A diasporic community consisting of refugees and exiles may at one point be considered enemies of a dictatorial home regime and as a result suffer from "blackmail, surveillance, threats and other intimidations abroad."[12] This has happened to Iranians, Chileans, Filipinos, and Koreans in the United States. Over time, however, the same diaspora may come to be considered by a new regime as the key population for domestic transformation. On several occasions, emigrants and political emigres residing in the United States who were attacked by home country agents later became important players in the campaign to dislodge dictatorial home regimes and establish democracies.[13]

The Cuban diaspora, which for the most part has undergone a transition from exiles to immigrants, is now perceived as a major source of financial impetus toward democratization in the homeland. In January 1999, President Bill Clinton, with the backing of many Cuban-Americans and even hardline Republican Senator Jesse Helms, modified anti-Cuba legislation in an effort to strengthen and use Cuban civil society to undermine the Castro government. The initiatives increased the number of Americans permitted to send money to Cubans, expanded cultural and sport exchanges, and allowed the sale of food and agricultural products to nongovernmental organizations in Cuba. The Cuban government, very much aware of Washington's intentions, referred to the measures as "a subversive and counterrevolutionary ploy, a tool for bribery to buy people's consciences.'" Nevertheless, Fidel Castro's regime permitted some of these measures over which Cuba had some control to take effect, anxious for the infusion of cash they would bring into the island's economy.[14]

[11] Morton Grodzin, *The Loyal and the Disloyal: Social Boundaries of Patriotism and Treason* (Chicago: University of Chicago Press, 1956), 213.

[12] See Jack I. Garvey, "Repression of Political Empire—The Underground to International Law: A Proposal for Remedy," *Yale Law Journal* 90 (1980): 79.

[13] Shain, *Frontier of Loyalty*, 145–62.

[14] Lucia Newman, "The Posturing and Potential of Latest U.S. Changes on Cuba," 15 January 1999, http://cnn.com/SPECIALS/views/y/1999/01/newman.cuba.jan15. CNN website (cnn.com).

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While some countries consider emigration a national tragedy, others may promote it to ease domestic economic pressures or as a means of building economic outposts abroad in the hope of enjoying the flow of remittances back home. For example, the South Korean government has sponsored programs for professional emigrants seeking to build businesses abroad, with the expectation of direct financial benefits to Korea.[15] Once South Korean communities emerged in the United States, the South Korean government treated them as a "supervised colony" and used its consulates in New York and Los Angeles to monitor and control their activities in order to further Korea's economic and political goals. "The immigrants responded positively, partly out of nationalism and partly out of economic interests, with the result that their principal organizations became subordinate to home government agencies."[16] One scholar of Korean Americans has written that "it is no exaggeration to say that the Korean Consulate General is the informal government of New York's Korean community and that the consul general is its mayor."[17]

The formal and informal control of the diasporic community by the South Korean state contributed to the diaspora's failure to build overseas institutions and create authentic leadership in the United States. This failure prevented an effective South Korean community response to the 1992 Los Angeles riots and necessitated the financial and political intervention of the South Korean government to deal with the aftermath. Although local Koreans appreciated this assistance, they recognized the limits of this kind of help, as well as its potential negative effects on their efforts to integrate into American society. While demonstrating the strength of Korean power over its diaspora, the riots also led to diasporic reevaluation of ties with the home country. No doubt, a bear hug may provide emotional and practical protection to a diaspora, yet subordination to a distant government may also generate hostility, antagonism, and charges of foreign loyalties.[18]

The Economic Dimension

The size of a diasporic community and the affluence of its members may transform U.S.–based diasporas into a major force in the economics and politics of their countries of origin. The Greek-American diaspora, for example, has had a great impact on the evolution of the Greek state.[19] More recently, newly de-

[15] Myron Weiner, *The Global Migration Crisis: Challenges to State and to Human Rights* (New York: Harper Collins, 1995), 37.

[16] Alejandro Portes and Ruben G. Rumbaut, *Immigrant America* (Berkeley: University of California Press, 1990), 110.

[17] Cited in ibid., 111.

[18] See Nancy Abelmann and John Lie, *Blue Dreams: Korean Americans and the Los Angeles Riots* (Cambridge, MA: Harvard University Press, 1995), 10–35, 184–91.

[19] See Alexander Kitroeff, "Continuity and Change in Contemporary Greek Historiography" in Martin Bilinkhorn and Thanos Veremis, eds., *Modern Greece: Nationalism and Nationality* (Athens: Sage-Eliamep, 1990), 170–71.

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mocratized countries in Eastern Europe have looked to their U.S.–based diasporas as an important source of economic investment and as important players in mediating and improving relations between the United States and the homeland. Remittances sent by U.S.–based diasporas are in some cases the most important factor in a home country's economy.

Diaspora investment and remittances are particularly strong forces in changing the home country perception of its diaspora. Diasporic funds have been used to promote struggles for self-determination and state and/or nation building in Eastern Europe, the former Soviet Union, and the Indian subcontinent. They were crucial in the establishment of the state of Israel and are currently playing an important role in an emerging Palestinian state. In some Central American countries such as the Dominican Republic, Nicaragua, and El Salvador, remittances and financial investments by kin-communities resident in the United States have been among the most important factors in shaping the conduct of many aspects of day-to-day life—including the character of political organizations and state institutions. In China, the financial flows from expatriate residents abroad, which in recent decades have generated much of the volume of foreign investment, have brought about significant changes in the perception of the national status of Chinese diasporic communities both inside China and in their countries of domicile—especially in southeast Asian countries such as Indonesia, Malaysia, and the Philippines. In Israel, where in the past diasporic money was a major influence on the general economy, today partisan flows to political and cultural factions have a substantial impact on the conduct of the public debate and perceptions of national identity. Conversely, some home countries are investing directly in kin-communities abroad to enhance sentiments of national affinity, with the purpose of creating a bridgehead for the promotion of commercial and political activities in their host countries. These examples constitute only a limited sample of a far more pervasive and complex phenomenon.

The economic power of diaspora members has also become a critical factor in running democratic political campaigns inside homelands. Political candidates of many countries finance their domestic activities from diasporic sources—for example by channeling funds to so-called voluntary associations that endorse political parties or oppose their rivals. The heated conflict of recent years between the Israeli Left and Right has been fueled not only by ideological tensions and domestic rivalries and cleavages, but also by the vast investment and political contribution of diasporic Jews, which has significant impact on political results. One of Israel's most respected senior journalists wrote in the wake of the violent aftermath of the Jerusalem tunnel opening in 1996 (the opening was attributed by some commentators to U.S.-Orthodox pressure on Prime Minister Benjamin Netanyahu) that Netanyahu's political reliance on the money of religious rightwing Jews abroad made diaspora sources more critical than his domestic constituency in terms of his frame of reference and his

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accountability. These diasporic factors were also clearly in evidence during the 1999 Israeli election campaign.[20]

Diasporic influence has gone to the very heart of Israeli debates over the intertwined issues of religious and national identity. An effort in the late 1980s by the Israeli ultra-Orthodox to amend that country's laws to delegitimize non-Orthodox conversions to Judaism performed outside of Israel failed in large part because of sharp and vociferous disapproval from leaders of the overwhelmingly non-Orthodox Jewish-American mainstream. Such a law would by extension challenge the legitimacy of non-Orthodox rabbis and call into question the identity of large numbers of American converts. "The outcry in America, including the overt threat to withhold contributions, was sufficiently loud that the amendment did not pass."[21]

The political strength of diasporic communities in the United States has also been reflected recently in the growing phenomenon of home country candidates running elaborate American political campaigns in the hopes of benefiting from diasporic economic weight, prestige, and political influence. In some cases where diasporic political clout and money may be critical in determining electoral results at home, candidates may even run on platforms empowering diaspora members politically in ways that may compromise the very sovereignty of the home state. This was demonstrated during the 1996 presidential election campaign in the Dominican Republic, where the two main contenders, José Francisco Peña Gómez and Leonel Fernández Peyma, targeted the Dominican community in New York City as a critical voting bloc, even though Dominican emigrants can only vote at home. In their rush to gain the financial, organizational, and political support of the diaspora, which sends home over $1 billion a year in remittances (the Dominican Republic's largest single source of foreign exchange), the two candidates went to the extent of endorsing special legislation that would enable Dominican expatriates to vote in consulates abroad. Candidate Peña also announced that he would sponsor legislation enabling the election of congressional deputies as direct representatives of the New York-based diaspora. Larry Rother of the *New York Times* wrote that if the plan to allow Dominicans abroad to vote is implemented, the proposal would immediately "transform the New York City metropolitan area into the second largest concentration of votes in future Dominican presidential elections, exceeded only by the Capital."[22] Within weeks of taking over as president, Fernández delivered a speech (later televised in New York) explicitly calling upon Dominicans in the United States to adopt U.S. citizenship in response to tough new federal legislation denying or severely cutting various social benefits to noncitizens: "If you, young mother, or you, elderly gentleman, or you, young student, feel the need to adopt the nationality of the United States in order to

[20] "Beshem Adonav" [In the Name of His Masters], *Ha'aretz*, 27 September 1996.

[21] Arthur Hertzberg, "Israel and the Diaspora: A Relationship Reexamined," *Israel Affairs* 2 (Spring/Summer 1996): 177–78.

[22] Larry Rothman, *New York Times*, 29 June 1996.

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confront the vicissitudes of that society . . . do not feel tormented by this. Do it with a peaceful conscience, for you will continue being Dominicans, and we will welcome you as such when you set foot on the soil of our republic." Fernández himself had grown up in New York City.[23] These innovations "are signaling a dramatic reversal of both the Dominican state's neglect of migrants and the disdain of Dominican elites toward migrants."[24] The one restriction on dual citizens' political rights is that they cannot be elected president or vice-president.[25]

The complex historical relationship between Mexico and its large diaspora in the United States illustrates many of the theoretical points made above. Mexican attitudes toward conationals living in the United States have undergone several transformations since the 1840s, when the cession of half of Mexico's territory resulted in a substantial number of Mexicans suddenly becoming residents of the United States. Subsequent waves of migration increased Mexican numbers north of the border, a phenomenon alternatively regarded in Mexico with dread or optimism, or on occasion indifference. Mexico's political and economic advances and setbacks over the last 150 years have been paralleled by equally dramatic changes within Mexican-American communities and have been reflected in Mexico's position towards its diaspora, with each side displaying profound ambivalence toward the other. Over the last two decades, this relationship has continued to evolve as both sides reassess the meaning of the other group to their identity and culture, their economic status, and their political future. In light of the growing interdependence of the Mexican and American economies, which deeply affects Mexican society, the Mexican government in particular has made a concerted effort to build a new relationship with its diaspora, leading to a significant reimagination of the idea of Mexican national identity.

Mexicans in the United States

For years, scholars have given limited attention to relations between the Mexican-Americans and Mexico, and have downplayed the role of official Mexico in shaping the identity and loyalty of Mexico's U.S.–based diaspora. Many writers have stressed the disaffection of Mexican Americans with their troubled homeland or have underscored Mexico's indifference (even animosity) toward its kindred population across the border. Certainly, both official Mexico and many Mexicans have long considered Mexican Americans as deserters who have "forsaken their impoverished homeland for capitalistic U.S. comforts."[26]

[23] *New York Times*, 12 October 1996.

[24] Luis Eduardo Guarnizo, "The Rise of Transnational Social Formations: Mexican and Dominican State Responses to Transnational Migration," *Political Power and Social Theory* 12 (1998): 69.

[25] Ibid., 74.

[26] Dianna Solis, "U.S. Hispanics Flex Political Muscles As Mexico Lobbies for Nafta Support," *Wall Street Journal*, 3 March 1993, 10.

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Since the early 1980s, the growing rapprochement between Mexico and its diaspora has led to a reexamination and slight modification of the historical portrait of mutual rejection.[27] In the process of rediscovering the Mexico-diaspora affinity, observers have often overstated the political significance and intensity of the transborder connection and at times even romanticized the strength of the cultural bond. For example, sociologist Morris Janowitz has developed a plot-like portrait of a Mexico/Mexican-American alliance. He has depicted Mexican Americans as colonizers who are resisting acculturation inside the United States, undermining America's Anglo-Saxon heritage and plotting irredentism. According to his account, the Mexican Americans have been sent by the Mexican government into the southwestern United States as part of Mexico's long-term scheme to recover lands that were in the past part of Mexico.[28]

Richard Rodriguez, a more astute observer of Mexican-American relations and an advocate of Mexican-American integration into the mainstream of American society, has also overstated Mexico's attachment to its kindred population. This leading Mexican-American essayist has written that like "a true mother, Mexico would not distinguish among her children. Her protective arm extended not only to the Mexican nationals working in the United States, but to the larger number of Mexican-Americans as well. Mexico was not interested in passports; Mexico was interested in blood. No matter how far away you moved, you were still related to her."[29]

The portrayal of Mexico as an agent of Mexican-American separatism is by all accounts unfounded. "By the late 1980s, even the most extreme elements among Mexican Americans had abandoned [separatist rhetoric]."[30] Similarly, the description of Mexico as an affectionate parent extending its hand to its lost children is also quite misleading, distorting the reality of a more practical and calculating approach evident on both sides of the border. While official Mexico has always manipulated its relations with the diaspora to suit its domestic goals, Mexican diasporic elites have at various times strengthened or weakened their ties to Mexico, depending on the ways they define the needs of their own communities.

The relationship between Mexicans on either side of the border can best be characterized as ambivalent. Although the two groups share strong connections based on family ties, history, and culture, Mexico's domestic upheavals and the

[27] At this time, many studies were produced analyzing the relations of Mexico's border regions with the United States. For a sample work on this subject, see Jorge A. Bustamante, "Frontera Mexico-Estados Unidos; reflexiones para un marco teorico" in J.M. Valuenzela, ed., *Decadencia y Auge de las Identidades* (Tijuana: El Colegio de la Frontera Norte, 1992), 91–118.

[28] Morris Janowitz, *The Reconstruction of Patriotism: Education for Civic Consciousness* (Chicago: University of Chicago Press, 1983), 128–138.

[29] Richard Rodriguez, *Days of Obligation: An Argument With My Mexican Father* (New York: Viking, 1992), 57.

[30] Peter Skerry, *Mexican Americans: The Ambivalent Minority* (New York: Free Press, 1993), 43.

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experiences of Mexicans in the United States have had a distancing effect, both politically and emotionally, which is not a monolithic phenomenon on the Mexican side of the border. It becomes more pronounced the further one moves away from the American border toward Mexico City.

While Mexico has usually looked down at the diasporic existence of its kindred population, it nevertheless hurried to intervene on its behalf whenever it felt that mistreatment inside the United States represented a direct assault on Mexico's national pride and culture. Likewise, people of Mexican origin in the United States have often felt stigmatized by the impoverishment of their homeland and embarrassed by Mexico's political and socioeconomic failures. Although many have sought to conceal or even erase their ancestral identity, the majority have nonetheless retained homeland affinities. The discovery that their ethnocultural heritage inhibited their integration into American society helped cultivate Mexican-American ethnic pride and reinforced home-country sympathy. Thus, many Mexican Americans have looked to their mother country for emotional and cultural solace while at the same time harboring great animosity toward the Mexican state that failed them.

From the late 1970s, under President Luis Echeverria Alvarez, and during the presidency of Miguel de la Madrid (1982-1988), Mexico began to display a growing interest in its kin diaspora, hoping to utilize the increasing empowerment of the Mexican-American community economically and politically. This new Mexican posture of rapprochement (*acercamiento*) intensified under President Salinas de Gortari (1988-1994), who negotiated NAFTA with the United States and Canada. In the context of Mexico's attempt to extricate itself from its economic problems through growing integration with the United States, and in view of Mexico's economic reliance on huge remittances sent by workers abroad, the Mexican government sought to position itself in a way that it could reap the benefits "from improving its channels of communication with the increasingly powerful Mexican-American community."[31] In order to institutionalize its relations with its U.S.-based diaspora, Mexico's Foreign Affairs Ministry established the Directorate General of Mexican Communities Abroad (DGMCA) and the Program for Mexican Communities Abroad (PCME) in 1990.[32] In a September 1995 Program report, the authors commented that in the next decade U.S.-Mexico relations are likely to be deeply affected by the Mexican diasporic community.[33] One of the important roles of the PCME has been to improve the image of Mexican Americans inside Mexico, above all

[31] Carlos Gonzalez Gutierrez, "The Mexican Diaspora in California: Limits and Possibilities for the Mexican Government" in A. Lowenthal and K. Burgess, eds., *The California Mexican Connection* (Stanford: Stanford University Press, 1993), 230.

[32] Ibid., 231.

[33] See SRE, *Secretaria de Relaciones Exteriores,* "Program Para Las Comunidades Mexicanas En El Externjero," September 1995, Mexico.

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"burying" the image of the *pocho*—a derogatory term used to question the loyalty of diasporic Mexicans and ridicule their inferior culture.[34]

Mexican policy also led to efforts to make Mexicans in the United States (los Mexicanos "de afuera") nationals of Mexico once again, a status entitling emigres to most social, economic, and civil rights enjoyed by citizens, including the right to carry a Mexican passport, while withholding from them the formal political rights accorded to citizens.[35] As part of the 1995-2000 Mexican National Development Plan, President Ernesto Zedillo launched the *Nacion Mexicana* (Mexican Nation) initiative, "which includes a wide and complex array of (neo)nationalistic economic, cultural and political programs intended to formalize the inclusion of migrants and people of Mexican origin [abroad] into a grand Mexican transnational project," discarding "the idea that Mexican 'history, values and traditions' belong exclusively within Mexican borders."[36] Legal changes conferring greater rights on emigrants in accordance with this vision were passed with the consent of all parties in the Mexican Congress.[37]

Mexican Americans have responded to these overtures with great interest but also with suspicion. First, their deep mistrust of Mexico's political system and its corrupt bureaucracy has inhibited their relations with official Mexico. A 1989-1990 survey found that 85.1 percent of Mexican Americans saw Mexican corruption as the major cause of problems in Mexico, as opposed to U.S. policy toward Mexico, with 9.4 percent perceiving a combination of both to be responsible.[38] Second, while community leaders have welcomed the opportunity to have connections on both sides of the border, they have feared becoming pawns in the bilateral relations of their old and new countries. Above all, Mexican Americans are wary of any action which "might raise the specter of disloyalty, and the legitimacy of their new-found status [as pro-Mexican lobbyists] would be questioned."[39] To avert such a danger, Mexican-American leaders who interact with Mexico always stress their American identity. Some of them have demanded that Mexican officials take time to better understand Mexican-American culture and the diaspora's interests as citizens of the United States.[40]

[34] Rodolfo O. de la Garza, "Mexico, Mexicans and Mexican-Americans in U.S.-Mexican Relations" (Paper published by the Center for Mexican American Studies, University of Texas at Austin, 1989), 8.

[35] Guarnizo, "The Rise of Transnational Social Formations," 72.

[36] Ibid., 71–72.

[37] Ibid., 72.

[38] Rodolfo O. de la Garza et al., *Latino Voices: Mexican, Puerto Rican, and Cuban Perspectives on American Politics* (Boulder, CO: Westview Press, 1992), 104.

[39] Rodolfo O. de la Garza, "Mexican-Americans and U.S. Foreign Policy: The Future of Mexican-American-Mexican Relations," *Western Political Quarterly* 33 (December 1980): 579.

[40] As Antonia Hernandez, human rights group, MALDEF, president stated: "[The Salinas administration] have come a long way to understand first that we are Americans first, of Mexican descent—that we care about democracy and that at times we're very critical of the lack of political openness there [in Mexico]. A relationship as complex as this one is going to have to develop over time. But they are beginning to see that it might be in their self-interest to better understand us." Cited in Tim Golden, "Mexico Is Trying Hard to Lift Its Profile in the U.S.," *New York Times*, 30 December 1991.

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The Formative Years and the Elusive Boundary

Mexico's conflicting relationships with Mexican Americans have been closely linked to the general state of relations between the United States and Mexico, which to some extent have been shaped by the Mexican diaspora's experience inside the United States. Mexico lost half of its national territory in the Mexican-American war of 1846-1848, and Mexicans who remained were quickly disenfranchised and dispossessed by Anglo-Americans who overwhelmed the new diaspora in numbers and marginalized the Mexicans politically and economically through tax laws and extralegal means.[41]

In 1877, a long period of national upheaval in Mexico was brought to an end by the rise to power of General Porfirio Diaz, a leader with strong connections to business interests in the United States. As a result of Diaz's policies, "by 1910, foreigners—mostly Americans—owned about one-seventh of the land surface of Mexico," much of it located along the U.S.–Mexican border.[42] Those Americans who benefited from Diaz's economic policy became strong supporters of the Mexican leader. They lobbied on his behalf in Washington and used their connections to curb anti-Diaz forces who at the time were agitating against the aging president from their exile bases in the American Southwest. American capitalists, some of whom were the most influential Los Angeles business leaders, became involved in Diaz's efforts to suppress his exiled revolutionary opponents, most notably the Flores Magon brothers.[43] Yet over the years, United States territory remained a staging ground for Mexican opposition activists, some of whom succeeded in capturing power in Mexico City.

Until the early 1920s, the southern U.S. border was more theoretical than real in terms of migration control. In the absence of an "authentic concept of a boundary between two nations,"[44] Mexicans entered and left the United States at will, without passports. The events of World War I and the general American anxiety regarding the alleged threat to America's national identity by ethnic groups with dual allegiances[45] sparked opposition to the influx of Mexican migrants. The fear of a potential fifth column among the large German settlement in Texas (suspected of collaboration with Mexicans) was heightened in 1917, when it was revealed that German Foreign Minister Arthur Zimmermann had offered assistance to Mexican Chief Venustianto Carranza in a war to free Mexican territory lost to the United States in 1848.[46] In the wake of the Zimmermann Telegram, with northern Mexico becoming a base for raids

[41] Lawrence H. Fuchs, *The American Kaleidoscope: Race, Ethnicity and the Civic Culture* (Middletown, CT: Wesleyan University Press, 1990), 110–11.

[42] Hall and Coerver, *Revolution on the Border*, 12.

[43] Ibid., 12; also see Takai, *A Different Mirror*, 313.

[44] Cited in ibid., 8.

[45] See Randolph Bourne, "Trans-National America," *Atlantic Monthly*, July 1916, 86–97.

[46] Hall and Coerver, *Revolution on the Border*, 26, 138.

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across the border resulting in the death of American citizens, Mexicans in the United States came under suspicion and were the targets of racist violence. Peter Skerry, a student of Mexican Americans, has written that the memory of violent attacks that took thousands of Mexican lives in the Rio Grande led many Mexican Americans to conceal their origins by referring to themselves as "Latin Americans" or "Spanish-speaking Americans."[47]

The Great Depression and the Consolidation of Postrevolutionary Mexico

At many junctures in their relationship, both Mexico and the United States have used the Mexican Americans as pawns or even hostages in the service of their domestic and bilateral agendas. The Mexican diaspora was mobilized or abandoned periodically to fit the economic and political goals of both countries. Thus while Mexico campaigned against abuses of Mexican workers inside the United States and even helped them to receive "unemployment compensation, severance pay and death benefits,"[48] the Mexican government went on collaborating with the United States in encouraging the repatriation of its kindred communities when it served its needs.

American attitudes toward Mexicans in the United States were also inconsistent, a function of differing political, cultural, and economic considerations. In the late 1910s and 1920s, American anxieties about U.S. ability to assimilate new immigrants intensified. " 'Americanization' efforts concentrated mainly on Southern and Eastern Europeans," while "the easy racial distinctions Americans made with regard to Chinese and Mexican immigrants often precluded them from considering these groups as capable of being assimilated."[49] Despite its concern over the large influx of Mexican immigrants escaping the turmoil of the Mexican revolution, America was apparently unable to give up on this cheap "flexible and temporary supply of labor."[50]

American-Mexican collaboration on the use of the Mexican immigrant community in the service of their respective needs became particularly pronounced after the Mexican revolution, when Mexico began to recognize potential cultural and economic benefits in the return of Mexican Americans. Mexican activist intellectuals of this era worked to establish a national identity that elevated the Mestizos as the dominant ethnic element. Mexican returnees who were "modernized" in the United States could help in this task[51] while becoming the basis of a Mexican middle class, a pool of people that would help mod-

[47] Skerry, *Mexican Americans*, 22.

[48] See Fuchs, *The American Kaleidoscope*, 141.

[49] See Noah M. Jedidiah Pickus, " 'True Faith and Allegiance': Immigration and the Politics of Citizenship" (Ph. D. dissertation, Princeton University, November 1995), 86.

[50] Calavita, "U.S. Immigration and Policy Responses," 63.

[51] See Jorge Hernandez-Diaz, "National Identity and Indigenous Ethnicity in Mexico," *Canadian Review of Studies in Nationalism* 21 (1994): 72–73.

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ernize and transform the country and the nation.[52] "In this fashion, the largely rural migrants that made their way to Los Angeles became part of a larger mission of the nationalization of the 'Indian' launched by the Mexican government during the 1920s."[53] When Americanization programs seemed to threaten these plans—"steal[ing] away [Mexico's] most potentially productive nationals"—Mexico became eager to collaborate with the American government in repatriating its people.[54]

In 1920, Mexican President Alvaro Obregon ordered the consulate offices in American cities to expand relations with the community and instructed them to preserve "the cultural integrity of Mexican emigrants through the establishment of institutions to foster Mexican patriotism."[55] In this context the Mexican government organized Honorary Commissions made up of diasporic notables who worked in conjunction with the consulate office to foster loyalty to the motherland. The emphasis was on preserving the Spanish language of Mexico abroad by supporting Mexican schools and the publication of Spanish newspapers. The diaspora was perceived to be an important ingredient in instilling a new sense of "unifying nationalism among the diverse and often unwieldy population,"[56] a forerunner of Mexican efforts to relegitimize the diaspora in the 1990s.

The Great Depression contributed to Mexican repatriation efforts, as a U.S. government concerned over high unemployment asserted greater control over the country's southern border. In 1930, when President Herbert Hoover declared that Mexicans were a major source of the economic crisis—"they took jobs away from American citizens"—the gate for large-scale deportation was opened. Deportation served the interests of both Anglo-American racist sentiment and Mexico's ambitious modernization plans. In the early 1930s, one-third of Los Angeles's 150,000 Mexican residents was repatriated, among them many American citizens.[57]

The depopulation of the Mexican diaspora during the years of the Great Depression generated a change in Mexican-American leadership. In Los Angeles, American-born Mexican-American leaders established a strong partnership with organized labor. Their fury about Mexico's cynical manipulation of them and their indignation at America's contempt for the Mexican peasant

[52] A latter-day parallel of the Mexican government's endeavors in this regard can be found in recent Irish government efforts to repatriate skilled and successful emigrants from overseas in order to maintain and further Ireland's recent record of rapid growth and modernization. As one member of the Irish Senate commented in March 1997, these returnees "bring back the message that they went abroad and found that the Irish could be competitive." Warren Hoge, "Opportunity Knocks in Ireland, Calling Its Flock Back Home," *International Herald-Tribune*, 24 March 1997.

[53] George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture and Identity in Mexican-American Los Angeles, 1900-1945* (New York: Oxford University Press, 1993), 120.

[54] Ibid., 123.

[55] Ibid., 113.

[56] Ibid., 114.

[57] Ibid., 213.

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produced a dual strategy: while struggling inside the United States to protect the community's hard-won economic gains, the diaspora leaders called on their compatriots to retain their Mexican national pride. In other words, while Mexican workers organized in the United States to demand civil rights and political empowerment, they still ventured to preserve their "Mexican soul."[58]

In 1929 in south Texas, middle class Mexican Americans founded The League of United Latin American Citizens (LULAC), the first ethnic organization to differentiate Mexican Americans from Mexican immigrants. Lawrence Fuchs has written that "more than any other Mexican organization, [LULAC] was typical of the immigrant-settler voluntary organizations of the 1920s, which emphasized hyphenated Americanism, combining a love and admiration for ancestral culture with commitment to American citizenship."[59] Although LULAC's members sought to disassociate themselves from native-country culture and citizenry, they still engaged Mexican consuls in redressing Mexican grievances with American local authorities. LULAC's connection with Mexico led to Anglo-American charges of dual loyalty and prompted U.S. government surveillance of the Mexican-American community.[60]

Like many other ethnic Americans, Mexicans have often found themselves entangled by the question of their allegiance. Loyalty to either side—old and new country—threatens to compromise credibility in the eyes of the other. Thus Mexicans in the United States have often found it hard to rid themselves of the stigma of their national origin. Even when they displayed their ultimate loyalty to their new country, as they did through their participation in the American army during World War II, some Americans still regarded Mexican Americans as enemy aliens. On the other hand, elements in Mexico could too easily label them as traitors. LULAC's credo of combining "Mexican in culture and social activity, but American in philosophy and politics" defined this problematic duality in Mexican-American ethnic life that would eventually come to dominate diaspora politics.[61]

Both the creation of LULAC, representing the integrationist middle class, and the emergence of an American-born Mexican-American leadership among the working-class population—distrustful of both American and Mexican officials—signaled the decline of the Mexican government's presence in the life of the diaspora. Mexico continued to protest abuses of its compatriots in the decades ahead. In June 1943, after months of exaggerated reports of youth delin-

[58] de la Garza and Vargas, "The Mexican-Origin Population of the United States as a Political Force in the Borderlands," 91.

[59] Fuchs, *The American Kaleidoscope*, 145. Also see Cynthia E. Orozco, "The Origins of the League of United Latin American Citizens (LULAC) and the Mexican American Civil Rights Movement in Texas with an Analysis of Women's Political Participation in a Gendered Context, 1910-1929" (Ph.D. dissertation, University of California, Los Angeles, 1992).

[60] See Jose Angel Gutierrez, "The Mexican-American in Mexico – Norte Americano Foreign Relations" in Mindiola and Martinez, eds., *Mexican-American-Mexicano Relations*, 22.

[61] Cited in Sanchez, *Becoming Mexican American*, 254.

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quency, violent clashes erupted between Mexican-American youths and Anglo servicemen and soon developed into full-blown riots.[62] Until the late 1920s, Mexico "did not distinguish between Mexicanos and Mexican-Americans on the strict basis of citizenship."[63] But by the late 1930s, Mexico had already established a clear distinction between Mexican immigrant workers and American citizens. In addition, Mexico's internal political and social consolidation and the pursuit of an independent foreign policy allowed it to focus on national development without reference to Mexicans living beyond its borders. Mexico's pride in its perceived postrevolutionary conversion into a "modern nation" without having to "betray" itself, in the words of renowned Mexican author Octavio Paz, was matched by an equally strong contempt for the desolate existence of Mexicans in the United States.[64] Paz, who lived in Los Angeles for two years during the mid-1940s, expressed his country's new national ethos in his description of Mexican Americans as empty and culturally bereft *pachucos*: "[The pachuco's] whole being is sheer negative impulse. . . . [He] has lost his whole inheritance: language, religion, customs, beliefs. He is left with only a body and a soul with which to confront the elements, defenseless against the stares of everyone."[65]

Mexican contempt for Mexican Americans was made clear in the 1940s by the popularization of the derogatory term, *el pocho*, used to describe those Mexicans born or raised *de aca de este lado* (north of the Mexican border), "whose Mexicanness was suspect."[66] Jorge Bustamante, Mexico's leading expert on Mexican Americans, has written that after World War II, "there was a continual decrease in contact between organizations on both sides of the border to the point where they virtually disappeared in the 50s and 60s."[67]

El Pocho

Earl Shorris, in his book *Latinos*, describes the *pocho* as an individual of Mexican descent, residing in the United States (usually as a full-fledged citizen), "who has traded his language and culture for the illusory blandishments of life

[62] Ibid., 124, 267.

[63] Gutierrez, "The Mexican-American in Mexico—Norte Americano Foreign Relations," 47.

[64] Even at this time, President Lazaro Cárdenas understood that stronger economic ties across the border did not necessarily conflict with Mexican nationalist objectives. In an effort to protect Mexico's northern border from perceived American expansionist tendencies, Cárdenas encouraged the establishment of a duty-free zone for new Mexican settlers from further south. Jorge A. Bustamante, "Mexico-United States Border: A Line Made Up of Paradoxes" (Unpublished paper, El Colegio de la Frontera Norte, Tijuana, 1993), 16.

[65] Octavio Paz, *The Labyrinth of Solitude* (New York: Grove Press, 1950), 14–15.

[66] See Arturo Madrid-Barela, "Pochos: The Different Americans, An Interpretive Essay, Part I," *Aztlan* 7 (Spring 1976): 52.

[67] Jorge A. Bustamante, "Mexican-American-Mexicano Relations: From Practice to Theory" in Mindiola and Martinez, eds., *Mexican-American-Mexicano Relations*, 9.

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in the U.S."[68] Shorris expands the definition stating that, "the *pocho* lives on the cultural and racial line . . . utterly unprotected, [and] despised on every side: too Mexican for the Anglos and too *agringado* [assimilated into America] for the Mexicans."[69] The *pocho*, therefore, has a "doubly marginalized" status.[70] His new country has not afforded him the equal economic and political opportunity that he believed he was guaranteed; and the country he has left has disowned him, considers him a traitor, and looks down at him disparagingly as culturally inferior. As Shorris explains, "No amount of success will change the situation for the *pocho* on either side of the border."[71] The concept of the *pocho* extends into Mexico itself, where those living in the center (mainly Mexico City) have often stereotyped residents of the northern regions as overly Anglicized or denationalized, as evidenced by the widespread inclusion of American vocabulary in their language. For Mexican Americans proper, the stereotype was even stronger.[72] Rodolfo O. de la Garza, a leading scholar of Mexican Americans, has written how he was rebuffed by high Mexican officials when he requested an interview in 1971. "[He told me that] I was a traitor to Mexico and other harsh criticism about the fact that I was not really a Mexican."[73] Defamation and excommunication, along with a strong burden of guilt, were often the costs of leaving one's country.[74]

For many years, Mexicans taking American citizenship were seen quite simply as collaborators with the enemy. This accusation constituted a psychological hindrance impeding integration into American society. When Richard Rodriguez's father decided to apply for American citizenship, "he told no one, none of his friends, those men with whom he had come to this country looking for work. American citizenship would have seemed a betrayal of Mexico, a sin against memory. One afternoon, like a man with something to hide, my father slipped away. He went downtown to the Federal Building in Sacramento and disappeared into America. Now memory takes her revenge on the son."[75] Furthermore, in imposing penalties, Mexico sought to warn its citizens against the perils of departing their native country and forsaking their culture in search of a better life in the United States. It also wished to reassure Mexicans that they were making the proper choice by remaining at home and that they would benefit from their loyalty. A Mexican may not have the material possessions of *el pocho*, but he is guaranteed the pride of belonging to a national community

[68] Earl Shorris, *Latinos* (New York: W.W. Norton, 1992), 169.

[69] Ibid., 170. See also Richard Rodriguez, *Hunger of Memory* (Boston: Godine Publishing, 1982).

[70] See Denise Dresser, "Exporting Conflict: Transboundary Consequences of Mexican Politics" in Lowenthal and Burgess, eds., *The California Mexican Connection*, 98.

[71] Shorris, *Latinos*, 170.

[72] Bustamante, "Mexico-United States Border," 7.

[73] de la Garza, "Mexican-Americans and U.S. Foreign Policy," 573, n.8.

[74] Albert O. Hirschman, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and States* (Cambridge, MA: Harvard University Press, 1970), 96.

[75] Rodriguez, *Days of Obligation*, 50.

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and the national-cultural coherence and peace of mind that are the rewards of faithful citizens.

Ironically, *el pocho* internalized the negative characterization assigned to a person and reinforced it through behavior, especially with reference to alienation from Mexico.[76] Thus, *los pochos* living along the border tend to mistreat newcomers, especially those who come without papers. This can best be explained by the fear of many Mexican Americans that their status in the United States is threatened by the presence of undocumented Mexican immigrants. They also fear that new Mexican immigrants will reinforce popular anti-Mexican stereotypes and result in lower social economic mobility for themselves.[77]

Revolving Relations

Mexico's fear that American politics and economics would dominate or even totally absorb their culture and government has contributed to Mexico's reluctance to interact with its brethren. This inhibition was reinforced by high economic growth, from the 1930s to the 1970s (averaging 6 percent per year) and with strengthened national self-confidence, as manifested in Mexico's identification with Third World causes and in foreign policy differences with the United States.[78] During this period, the diaspora itself was not politically empowered and was therefore not in a position to challenge negative Mexican assumptions about its potential usefulness. All of these elements contributed to Mexico's condescending and detached attitude toward the U.S.–based diaspora. In addition, Mexican elites wanted to avoid provoking retaliatory U.S. intervention by becoming too involved in the affairs of *pochos*, for whom they had little regard in any event.[79]

In the 1980s and 1990s, however, a turnaround has occurred in Mexico's attitudes toward its U.S.-based diaspora. In the early 1970s, the Mexican Left's support for the struggle of the Mexican-American *movimiento* sparked mainstream interest in the fate of Mexican Americans. This manifested itself in the form of scholarly meetings, articles, television programs, and attention to Mexican-American-related movies.[80] External forces, including the global trend to-

[76] Arturo Madrid-Barela articulates the internalization of the *pocho* stereotype in "Pochos, the Different Mexicans," 52: "We either had never or no longer lived the Mexican national experience, had never or no longer shared in the cultural goals of Mexican society. And as our hermanos mexicanos came north to swell the numbers of the mexicanos de aca de este lado, to become Mexican-Americans, they too came to share in our disgrace."

[77] Shorris, *Latinos*, 171. For an excellent discussion on this subject, see also Aida Hurtado and Carlos H. Arce, "Mexicans, Mexican-Americans, Mexican Americans, or Pochos . . . Que somos? The Impact of Language and Nativity on Ethnic Labelling," *Aztlan* 17 (Spring 1986): 103–30.

[78] Jorge G. Castaneda, "From Mexico Looking Out," in Robert A. Pastor and Jorge G. Castaneda, eds., *The United States and Mexico* (New York: Knopf, 1988), 58.

[79] Armando Gutierrez, "The Mexican-American Elite in Mexican-American-Mexican Relations" in Mindiola and Martinez, eds., *Mexican-American-Mexicano Relations*, 50–51.

[80] See David R. Miciel and Angelica Casillas, "Aztlan en Mexico: Perspectivas Mexicanas sobre el Mexican-American," *Aztlan* 11 (1980): 133–35.

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ward economic liberalization and the growing political power and organizational sophistication of the diaspora in the United States, combined with internal Mexican factors such as economic decline, political turmoil, and increased dependence on the U.S. economy (and on remittances from Mexicans across the border in particular) to contribute to the gradual rehabilitation of the diaspora within Mexico. A potentially destabilizing aspect of this dependence on the U.S. economy is the divide that has opened up within Mexican society between those who benefit from the American connection and those who do not.[81]

The impact of an amended U.S. Voting Rights Act (VRA)[82] on Mexican-American political opportunities and social mobility became clear in the 1980s, as the number of Mexican-American voters grew significantly, resulting in a sharp increase in the number of Mexican Americans elected to local and federal positions. This phenomenon accelerated after the 1986 enactment of the Immigration Reform and Control Act (IRCA), which facilitated the rapid naturalization of 2.5 million Mexicans. The IRCA represented another important turning point in Mexican-American political involvement, helping to diminish the distance previously felt between native and foreign-born Mexican Americans and leading to an increase in Mexico's attention to the Mexican-American agenda. Mexican-American leaders began to take advantage of their newfound power and have used their positions to defend community interests, resulting in a reduction in discrimination and the expansion of educational, employment, and political opportunities for Mexican Americans. Today, 150 years after half of Mexico's territory was annexed by the United States, Mexican Americans are being incorporated into mainstream American institutions like European immigrants before them.[83]

Mexican-American political efforts were not, however, confined within the borders of the United States. Abandoning the ambivalence and political timidity of earlier years, some Mexican-American leaders began to advocate closer political cooperation between Mexico and its U.S.-based diaspora. As early as 1978, after a meeting with Mexican President Lopez Portillo, LULAC Chair-

[81] Castaneda, "Mexico's Circle of Misery," 95.

[82] A major impetus for change in Mexico was the 1975 amendment of the VRA, enacted in 1965 to ensure that minorities, especially blacks, were no longer denied their right to participate in the electoral process. The 1975 amendments extended the Act's coverage to 375 new jurisdictions and "to four 'language minorities,' including Hispanics, who were granted the right to cast ballots printed in their native language." (See Christian Joppke, "Multiculturalism and Immigration: A Comparison of the United States, Germany and Great Britain," *Theory and Society* 25 (August 1996): 458. The new VRA also improved minority representation in government, mandating "ethnic majority, 'single member electoral districts' that virtually guaranteed ethnic office-holding." (Ibid.). These changes were based on the assumption that individuals vote along racial and ethnic lines, and that racial and ethnic groups share common problems and interests. See de la Garza, "The Effects of Primordial Claims, Immigration and the Voting Rights Act on Mexican Sociopolitical Incorporation" (Paper delivered at the 1994 American Political Science Association Annual Meeting, 6–7).

[83] Ibid., 8–23.

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man Eduardo Morga told reporters that Mexican Americans "are all ready to help Mexico in the United States. . . . We feel that in the future Mexico can use us as Israel uses American Jews, as Italy uses Italian-Americans, and so on."[84] Mexican Americans have also used their increased political power to work toward achieving a greater say for Mexican Americans inside Mexico. In particular, Mexican Americans who have resided in the United States for more than one generation have discovered the political and economic power of the Latino community inside the United States and its potential for doing business with Mexico.

The hope in Mexico that it could channel the voting clout and economic power of Mexican Americans to serve Mexican domestic and foreign interests was translated into action when the Salinas government made a concerted effort to systematically transform Mexico's political presence in the United States. The Mexican desire to build a continental free trade zone required greater political and economic freedom, as well as greater responsiveness to demands made by American environmental, labor, and human rights groups.[85]

In an effort to mobilize the diaspora and change its image at home, the Mexican government took steps to change the abusive behavior of Mexican border officials toward returning Mexicans. It issued a special brochure entitled *Cartilla de paisano* (brotherly document) informing diaspora members of their rights and responsibilities when interacting with hostile officials at the border.[86] In addition, Mexico began to try to influence its American neighbors to be more welcoming of Mexican immigrants and their culture.[87] Finally, those who administered the program "have undertaken the dual tasks of 'educating' . . . the members of the Mexican state and elite about how to think about the Mexicans residing in the United States, and of advocating on their behalf in Mexico. Through these two tasks, the Program is attempting to teach the other part of the state and the elite surrounding it to re-imagine the Mexicans in the United States as part of the Mexican nation."[88]

The Mexican government has revived the role of its consulates as an important link between Mexican immigrants and the homeland, and Mexican consulates strive to reach all Mexican Americans to remind them of Mother Mexico's message, "*Vete pero no me olvides*" ("Go, but do not forget me"), through the promotion of educational and cultural programs as well as consular involvement in Mexican-American community affairs. For instance, Mexican consulates are responsible for the organization of Mexican immigrants into regional clubs (*Comites de apoyo a compatriotas*), which serve as institutional mechanisms to build the social networks necessary for massive migration. The clubs

[84] Cited in DeConde, *Ethnicity, Race and American Foreign Policy*, 160.

[85] *New York Times*, 30 December 1991; 2 January 1992; 4 October 1992.

[86] Martin Torres, "Con los mexicanos de alla," *Examen* 5 (January 1994). See de la Garza, "Mexico, Mexicans, and Mexican-Americans in U.S.-Mexican Relations," 8–9.

[87] Mark Fineman, "Mexico Strives to Hold On to Its Past," *Los Angeles Times*, 27 September 1994.

[88] Smith, "De-Territorialized Nation Building," 7.

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also help build bonds of mutual assistance among *paisanos* (brothers) in a "hostile" land and strengthen their self-imposed duty to help the communities they left behind.[89] The Mexican government may have an interest in its stated goal of improving the Mexican-American quality of life, but primarily it wants to improve Mexico's own political and economic power.

The 1988 Mexican Elections and Mexican-American Relations

An apparent paradox of the Mexican-American situation is that as the American government tried to integrate Mexican immigrants by assuring them of their right to participate in political processes, the empowered Mexican elites became more interested in their ancestral country, mainly as a reinforcement of their identity as ethnic Americans. What may at first glance appear to be a Mexican-American rejection of the United States is in fact an indication of the Mexican-American community's integration into American politics and culture.[90] One 1989-1990 poll indicated that 89.5 percent of Mexican Americans surveyed were concerned more with U.S. than with Mexican politics.[91] As Chicano (Mexican-American) cultural and political self-confidence grows, interest and direct activity in Mexican affairs is less inhibited by self-doubt or external accusations of disloyalty. Mexican-American elites realize that they can wear two hats without compromising their ancestral ties or their American identity, a reality that Mexico itself, in a departure from its historic inclination, has begun to recognize and now interpret as a positive development.

The new political status enjoyed by Mexican Americans was particularly evident during the 1988 Mexican presidential campaign between Carlos Salinas of the PRI (Institutional Revolutionary Party) and Cuauhtémoc Cárdenas, leader of the PRD (Party of the Democratic Revolution). For different reasons and opposite goals, they looked to Mexican Americans in California and Texas for support, hoping that their clout would influence Mexican voter behavior. The need to get Mexican-American approval or support meant recasting Mexican domestic concerns for a U.S. audience, which in turn had important effects on the Mexican domestic agenda.

Prior to the 1988 elections, Mexico's political system was known for the virtual monopoly of the PRI over political power, regularly rigged elections, and fragmented, politically timid opposition parties with little electoral support; an ubiquitous state ruled over a mixed and underdeveloped economy. However, by 1988, a new opposition had developed into a full-fledged political party under the leadership of Cuauhtémoc Cárdenas.[92] He advocated state intervention in the economy, vowed to defend small and medium-sized firms, demanded the

[89] See Gutierrez, "The Mexican Diaspora in California," 226–30.

[90] de la Garza et al., "Will the Real Americans Please Stand Up: Anglo and Mexican American Support of Core American Political Values" *American Journal of Political Science* 40 (1996): 346–51.

[91] de la Garza et al., *Latino Voices*, 1992, 103.

[92] Ibid.

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immediate suspension of debt payment, and promised to rescue privatized firms that had been sold by a "treacherous regime and its party that defends foreign interests."[93] Accordingly, the PRD found support among groups that had traditionally organized themselves outside of the PRI's corporatist agenda and among the sectors that had borne the brunt of the 1982 economic crisis. Cárdenas also spoke to the frustrations of Mexican Americans who felt disenfranchised in the United States and disregarded by Mexico. As one of his deputies explained in California, *Cardenismo* would allow people to recover their Mexican roots and at the same time live their reality in the United States.[94] The diasporic community, which until then had experienced Mexico's government as a unified entity with clear policies, was now confronted with a choice between the PRI and the PRD. The majority of those who paid attention to Mexican domestic affairs opted to support Cárdenas.

Salinas's controversial victory over Cárdenas, marred by widespread irregularities and accusations that the election had been stolen outright, could easily have led to a diminishment in the Mexican government's political influence in the United States. The new president, aware of this danger, adopted a new attitude toward the diaspora, attempting to redirect its energies toward the advancement of the Mexican economy and away from political issues that threatened the PRI's hegemony. The implicit bargain offered by Salinas (and accepted by many Mexican Americans) was that political reform would come, but only after sufficient progress had been made in reforming and modernizing the Mexican economy. Asking for support, Salinas stated: "They [political and economic reform] are linked, but we ought to consider the priority that economic reform has, without excluding political reform. We need to consolidate our economic reform. That demands the consensus that makes possible the decisions we have been adopting."[95]

Many of Salinas's efforts were directed at establishing a free trade agreement with the United States, and in 1992, Salinas undertook a major effort to court Mexican Americans and American government support, visiting major U.S. cities on a speaking tour. In addition, Mexican government officials and an array of top Washington lobbyists converged on Washington, repeatedly contacting a wide variety of politicians and congressional staff in "the most elaborate, expensive lobbying campaign ever conducted in Washington by a foreign interest."[96] The Mexican-American community was also the focus of Mexican lobbying. Hispanic members of Congress were targeted and "pro-NAFTA businesses and organizations . . . played a key role in various states to

[93] Ibid., 85. See also Carlos B. Gil, "Cuauhtémoc Cárdenas and the Rise of Transborder Politics," in Gil, ed., *Hope and Frustration: Interviews with Leaders of Mexico's Political Opposition* (Wilmington, DE: SR Books, 1992), 291–97.

[94] Dresser, "Exporting Conflict," 98.

[95] Cited in ibid., 89.

[96] See "The Trading Game: Inside Lobbying for the American Free Trade Agreement" (Center for Public Integrity, Washington, DC, 1993), 17, 26.

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rally support for the agreement."[97] However, the importance and the strength of the Mexican government's political influence on Mexican-American leaders and the general community should not be overstated. The fact that all but one Hispanic member of Congress voted for NAFTA is not directly indicative of Mexican success in enlisting Mexican-American support on behalf of Mexican political goals. Hispanic congressional votes for NAFTA were conditional on the satisfaction of certain domestic requirements, including program funding for residents of border regions largely populated by Mexican Americans. The NAFTA campaign made it clear that Mexico still had a long way to go in its efforts to reincorporate Mexican Americans into its political and economic spheres and that in many ways, Mexico needed its diaspora more than the diaspora needed its homeland.[98]

Cultural Transformation

Since the War of 1846-1848, Mexico has feared losing its sense of sovereignty as a result of "the imperialist tendencies of el Coloso del Norte, or the colossus to the north, Mexico's term for the United States."[99] Mexico is wary of the United States, but in many ways it cannot do without it. The growing cross-border interaction of capital and labor in the NAFTA era has revived Mexican fears over identity loss and the risk of bicultural fusion. Not surprisingly in this context, Mexico has begun to redefine its diaspora, a cultural and economic bridge between the two countries, not as a liability or as a sign of weak national character, but rather as evidence of Mexico's uniqueness, deep cultural roots, and strong hold over its compatriots. Mexico has tried to convince itself and the outside world that not only is Mexican-American culture not degrading to the motherland, it is to be celebrated as evidence of the strength and breadth of Mexican culture.

The notion that Mexican culture is not monolithic and can be divided into subidentities has been propagated within Mexico itself by people such as Jorge A. Bustamante, president of El Colegio de la Frontera Norte in Tijuana. Bustamante has argued that the fact that many in Mexico's north have developed "cosmopolitan, individualistic" leanings does not make them less Mexican. His survey data show that such an identity is also prevalent among the middle class of Mexico City, where supposedly the tenacity of "Mexicaness" is greater.[100] The new Mexican ideology holds that by creating and maintaining a distinct ethnic identity within the United States, albeit different from Mexico's indigenous culture, Mexican Americans are preserving their national heritage and proving that Latino roots are much deeper than Anglo-American influences.

[97] Ibid., 19, 22, 32.

[98] Rodolfo O. de la Garza, "The Domestic and Foreign Policy Consequences of the Program For Mexicans Living in Foreign Countries" (Draft paper, quoted with permission of the author).

[99] Silvana Paternostro, "Mexico as a Narco-democracy," *World Policy Journal* 12 (Spring 1995): 46.

[100] Bustamente, "Mexico-United States Border," 16–17.

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When asked about the risk of cultural spillovers, Andres Rozental, one of Mexico's highest ranking Foreign Ministry officials and an architect of Mexico's new policy towards the U.S.-based diaspora, expressed his belief that there was little need to worry: "There's an inherent difference between our two cultures, and that is that the Mexican culture is more profoundly rooted than the American culture.... You don't have these 30 centuries of history and of cultural assimilation in America."[101] Similar views have been expressed (albeit with different nuances) by Jorge Alberto Lozoya, who worked on Mexican-Mexican-American relations under Presidents Echevarria and Salinas.[102]

Mexico has begun to publicly acknowledge the value of diasporic culture and reward Mexican-American intellectuals and activists as its guardians. In 1991, Antonia Hernandez of the human rights protection group MALDEF (Mexican-American Legal Defense and Educational Fund) was awarded one of Mexico's highest honors, the Aztec Eagle medal;[103] and in 1993, an Aztec Eagle medal went to Raul Yzaguirre, president of the National Council of La Raza. Yzaguirre's comments at the time clearly demonstrate the cultural duality embraced by Mexican-Americans. He supported NAFTA, "but pretty much down the lines of what President Bill Clinton wants—with protection for [American] workers and environmental concerns."[104] In 1995, Mexican-American poet and author Jose Antonia Burciaga was given the *Premio Nacional de Patrimonio Hispanico*, in recognition of his literary efforts. He also emphasized his dual identity as a Mexican-American: "I would like to stress that I always felt Mexican and always American. I was never ashamed of my Mexican identity.... But I am also an American."[105]

The Mexican attempt to relegitimize the U.S.-based diaspora as an integral part of the Mexican nation includes important economic and political dimensions, such as economic globalization, the improvement of U.S.-Mexico relations in general, and a reconceptualization of membership in the Mexican nation. In this regard, Mexico legally accepted dual citizenship in early 1997, so that those who become naturalized in the United States continue to retain Mexican citizenship. Those who advocated this departure from Mexico's traditional exclusionary policy promoted it as another way to recover and sustain diasporic loyalty and attachment. Through its Program for Mexican Communities Abroad (PCME) and its other U.S.-based representatives, the Mexican Foreign Ministry seeks to convey the message to Mexicans living north of the border that acquisition of American citizenship is no longer viewed in Mexico as treasonous or as incompatible with the retention of Mexican cultural identity. On the contrary, greater Mexican participation in American society is seen to

[101] Cited in Fineman, "Mexico Strives to Hold on to Its Past."

[102] Jorge Alberto Lozoya, interview with author, 16 June 1997.

[103] *Examen*, Ano 5, No. 52, September 1993.

[104] Cited in Diana Solis, "U.S. Hispanics Flex Political Muscles As Mexico Lobbies for Nafta Support," *Wall Street Journal*, 3 March 1993.

[105] *La Jornada*, 20 October 1995.

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be of great value to the motherland. Consequently, Mexico's government has declared its support for American multiculturalism as an indication of the Mexican-American community's determination to preserve its culture. American citizenship is intended to empower Mexican Americans not only as individuals, but also as members of an interest group able to lobby American politicians on behalf of Mexico.[106]

In this context, Mexican government condemnation of the 1994 passage of California's Proposition 187, a measure intended to deny "non-emergency health care, schooling and social services to illegal immigrants," was to be expected.[107] California's Hispanic voters were, however, less inclined to echo the Mexican government's criticisms, with 31 percent actually voting in favor of Proposition 187. Even the figure of 69 percent opposing the measure is deceptive as an indication of majority Hispanic support for the rights of illegal immigrants, as most eligible Hispanic voters in California failed to cast ballots.[108] While according to recent surveys, a majority of U.S. Latinos oppose denying benefits to undocumented immigrants, their support for the continued provision of assistance is based on the expectation that it will be geared toward integrating the newcomers into American society, and not as a means of sustaining a resident "foreign" culture.[109] In a press interview, MALDEF's Antonia Hernandez explained this situation to Mexicans by asserting that racism was not a sufficient explanation for the harsh American reaction to illegal immigration. Consideration had to be given to the American belief in the importance of law and the close linkage between American identity and the Constitution.[110] Ironically, Hernandez's comment illustrates not only the historic continuity in negative Mexican-American attitudes toward newcomers from south of the border, but also the realization of official Mexico's wish that Mexican Americans assimilate the wisdom and knowledge of America and find a comfortable place within its society, and transmit that knowledge and wisdom back to the homeland.

The PRI Dynasty under Threat

The ability of Mexico to recover its diaspora while presenting itself as a modern and open society has suffered a severe setback, despite Mexico's efforts. It is the discrepancy between the reality illustrated by the common Mexican phrase "*todo cambia pero nada cambia*" (everything changes but nothing [really]

[106] See Mario Moya Palencia, "La Doble Nacionalidad," *Voz de Mexico* (31 October 1995).

[107] *Economist*, 12 November 1994, 60, also 51.

[108] *Time*, 21 November 1994, 53.

[109] For survey data on this and other matters related to Mexican-American attitudes toward Mexico, see Rodolfo O. de la Garza and Louis DeSipio, "Interests not Passions: Mexican American Attitudes Toward Mexico and Issues Shaping U.S.-Mexico Relations" (Unpublished paper, 1997). The author thanks Rodolfo O. de la Garza for supplying this information during revision of this paper.

[110] *Examen*, Ano 5, No. 52, September 1993.

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changes) and the way Mexico imagines itself that makes rapprochement an uphill battle.[111]

By the mid-1990s, the PRI's credibility had been seriously undermined by several spectacular events. First, in early 1994, Zapatistas in the southern state of Chiapas launched a military and political campaign for native rights and economic redistribution, and against government corruption and human rights abuses. They gained considerable support among the economically marginalized in other regions of the country and won international sympathy.[112] Second, the 1994 assassination of PRI presidential candidate Luis Donaldo Colosio, allegedly at the behest of rivals within the PRI, and the postelection disgrace of former President Salinas, now living in Ireland, underlined the extent of corruption within the PRI.[113] Third, the collapse of the peso and the subsequent controversial American bailout also dampened Mexican-American enthusiasm and reinforced the image of Mexico as a failure.[114] Despite their disappointment, however, Mexican Americans actively encouraged American support for the peso, an effort recognized and appreciated by the Mexican government. Mexican Consul General Luis Ortiz Monasterio in Miami was lavish in his praise for Mexican Americans' loyalty to the motherland and contributions to its well-being: "At this time of difficulties, I render tribute to the Mexico of the diaspora, to the migrants in the United States, to the unredeemed believer, the faithful who under the counter provide our lean finances with 3 billion dollars every year, almost the size of our current reserves in the central bank."[115]

In his book *La Frontera de Cristal* (The Crystal Border), the famous Mexican author Carlos Fuentes describes a dialogue between Mexico and its diaspora across the border:

> Mexico asks: "Why did I raise you, nurture you, celebrate you [and] bless you with my sacrifice—so that one day you could come and ask me, why aren't you like your brother, our uncle [the US]? Why did you have to be so poor and disgraced?" Then Mexico follows: "Do not become part of the enemy." But the *pocho* smiles and answers: "But the other side is worse. Mexico is the place of the enemy. On the Mexican side, there is more injustice, more corruption, more deceit, more poverty. You should thank us for being *gringos*."[116]

For Mexican Americans, whose rapprochement with the motherland had been based on promises of Mexican domestic reform, the dramatic events described above called these ties with the motherland into question. Recent survey data presented by Rodolfo O. de la Garza and Louis DeSipio show that

[111] *Economist*, 19 March 1994, 56.

[112] *Economist*, 19 February 1994, 45.

[113] Andrew Reding, "The Next Mexican Revolution," *World Policy Journal* (Fall 1996): 69.

[114] Author's interview with Andres Rozental, 26 May 1995.

[115] Cited in *La Palamo: Organo de Difusion del Programa para los Communidades Mexicanas en el Extranjero*, February 1995, 3. Reproduced from *La Jornada*, 28 January 1995.

[116] Carlos Fuentes, *La Frontera de Cristal* (Mexico D.F.: Alfaguara, 1995), 115.

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Mexican Americans perceive Mexico as a state beset by major problems, lagging far behind on issues such as democracy, human rights, corruption, drugs, and environmental protection. These data suggest that Mexico's condition further strengthens the "Americaness" of the Mexican Americans; and whatever attachment they may have to their "Mexicaness" is linked to their desire to fully integrate into American society rather than remain a transitional ethnic community caught between two worlds, belonging fully to neither. This has been the case with Mexican Americans' attitude toward immigration, NAFTA, and bilingualism. In the last case, Mexican Americans favor the provision of bilingual services only to the extent that they speed and assist newcomers' integration into American society and not as a means of creating a permanent cultural divide.[117]

Many Mexican Americans were particularly upset by the Mexican government's military response to the Zapatista movement, and demonstrations took place at various Mexican consulates in the United States.[118] Mexico's efforts to protect Mexican Americans from American mistreatment had the unintended consequence of placing the spotlight on Mexico's own misdeeds toward its own citizens. In response to another outrage—the Mexican police's firing on peasants attending a commemoration of the death of Emiliano Zapata—one protest leader commented: "If the government is going to demand justice for Mexicans in another country, it has to begin by protecting the rights of its own people at home."[119] Moreover, although the PRI promised substantive political reform during the 1994 election campaign, progress has been slow under Ernesto Zedillo's leadership. The documented involvement of top Mexican officials with major drug traffickers (which has led to the labeling of Mexico as a "narco-democracy"),[120] the perpetuation of human rights abuses by the government, and severe economic mismanagement have all cast a shadow on Mexican political and economic reform efforts.

Mexican Americans have reacted with disappointment and suspicion about the motherland's future prospects. However, Mexico's failures of the last several years have opened up opportunities for internal political change, which at least one author believes may result in "The Next Mexican Revolution" and an end to the PRI's presidential dynasty.[121] The recent emergence as serious competitors for state and national power of various PAN (Party for National Action) and PRD politicians committed to wide-ranging democratic and economic reform holds out the possibility of fundamental political change,[122] a trend confirmed by the momentous results of the July 1997 midterm elections in Mexico. For the first time in over seventy years, the PRI lost its majority in

[117] de la Garza and DeSipio, "Interests not Passions."
[118] *Los Angeles Times*, 21 February 1994.
[119] Cited in de la Garza and DeSipio, "Interests not Passions."
[120] Paternostro, "Mexico as a Narco-democracy."
[121] Reding, "The Mexican Revolution," 61.
[122] Ibid.

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the lower house of Congress, with both PAN and the PRD making large gains; and the PRD's Cárdenas won the Mexico City mayorality by a landslide. These defeats were the "biggest blow yet to a party [PRI] whose autocratic ways and elaborate network of corruption is an outright embarrassment to Mexicans who like to think of themselves as part of the advanced world."[123] Loss of control in the lower house likely means that the PRI will have to compromise on a variety of economic and political issues with one or both of the major opposition parties, a new experience for the PRI leadership.[124] Both Cárdenas and Guanajuato PAN Governor Vicente Fox have indicated that they will stand as candidates for president in 2000.[125] The inroads made by these two parties traditionally viewed by central Mexico as suspect in terms of their "Mexicaness" because of their electoral success in the north, demonstrates the new openness of the Mexican public to changes in national identity.[126] The victory of a presidential candidate dedicated to new policies may help lead to a synthesis of the two types of reform encouraged or even demanded by Mexicans living north of the American border—economic and political—and help build Mexican-American faith in Mexico's future.

Conclusion

U.S.–based ethnic diasporas have long been involved in the domestic affairs of their countries of origin or symbolic homelands. Their involvement has been encouraged by elements in home countries for a variety of reasons—political, financial, and cultural. The growing empowerment of ethnicity in the United States and the improved connection of ethnic groups to their ancestral homelands through modern transportation and communication have rendered some diasporas truly transnational. Nativist charges of disloyalty to America no longer have the capacity to inhibit significantly diaspora contacts with home countries, while at the same time, diasporas are less susceptible to charges of desertion by elements in their homelands. To a large extent, their identity is multiple, "invented," or negotiated through changing contexts such as U.S. ethnoracial relations, U.S. relations with the home country, and the homeland's changing definition of itself.

In recent years, with the intensification of the debate over the so-called perils of multiculturalism, the impact of transnationalism and especially ties to the homeland have been perceived by many in the United States as a source of Balkanization. The fear of American disunity has been particularly pro-

[123] Andrew Phillips, "Change in the Wind: Mexico's Ruling Party Faces a Strong Challenge," *Maclean's*, 7 July 1997, 35.

[124] Alfredo Corchado and Laurence Iliff, "Mexico's Ruling Party Suffers Worst Loss Ever," *Dallas Morning News*, 8 July 1997. This was the first occasion under PRI rule that the mayor was elected, rather than appointed.

[125] Ibid.

[126] Bustamante, "Mexico-United States Border," 18–22.

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nounced in the case of Mexican Americans, the fastest growing diaspora, whose homeland is in America's backyard. Yet very few have recognized that the homeland connection has in fact generated a tendency opposite to the expected one, which works very much in favor of American unity. Many newly empowered diasporas are exhibiting in their ethnic assertiveness their growing Americanization rather than separatist aspirations, which has often been more evident to observers in the homeland than in the United States. Consequently, if elements in countries dependent on diasporic voices inside the United States wish to mobilize their diasporas, they must heed their diasporas' Americaness, including their allegiance to "American values" such as democracy and human rights; they must incorporate diasporic perspectives in a redefinition of the homeland. To a large extent, U.S. diasporas have emerged as the true marketers of the American creed abroad.[127] For some countries like Haiti and the Dominican republic, their respective U.S.–based diasporas have such a large economic and political role that they have become major factors in the redefinition of the national ethos. In Mexico, even though the diasporic impact has thus far been less pronounced, the government's decision in late 1996 to legalize dual citizenship will likely further the trend toward increasing diasporic influence on its national identity.

Almost fifty years ago, Octavio Paz's *The Labyrinth of Solitude* depicted a Mexico on the road to recovery, a newly modern postrevolutionary state with strong national pride and a bright vision of the future. The *pachucos*, in contrast, had sacrificed their identity for illusory economic gains north of the border, becoming like the *yordim* of Israel's earlier years, the despised "weaklings," who had given up on the national dream. Fifty years later, Paz's hopeful picture has not materialized. On the other side of the Rio Grande, however, people of Mexican origin have emerged as an important community with distinctive cultural characteristics and growing economic and political power. This discrepancy and the trend towards globalization have contributed to a crisis in Mexican national identity, which Mexico is trying to resolve through a redefinition of what it means to be "Mexican."[128]

In the current situation, where large numbers of Mexicans north of the border are recent arrivals who have yet to experience the economic comforts of American life, the newcomers' attachment to Mexico can be reinforced relatively easily through the range of contacts and services provided by the Mexican government. However, large segments of the U.S.–based diaspora have successfully integrated into American society, charting their own future and creating their own identity. Mexico may continue its attempts to reintegrate this

[127] I first advanced this argument in "Marketing the American Creed Abroad: U.S. Diasporas in the Era of Multiculturalism," *Diaspora* 4 (Spring 1994).

[128] On the impact of globalization on Mexico's "new nationalism," see Miriam C. Alfie, "El proceso de globalizacion y los nuevos nacionalismos: la herencia del fin de la guerra fria," *Sociologica* 8 (January-April 1993): 237-54. Other articles in this issue also deal with the redefinition and the changing perceptions of "Mexicanness" in the context of globalization.

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community into Mexican national life in some form by building on its concept of a global nation, but these efforts will be limited by the fact that the Mexican Americans have a strong sense of themselves as Americans, and their ethnicity is part of the American ethos. At present, the Americanized diaspora exercises greater cultural and economic influence on Mexico than Mexico does on Mexican Americans, meaning that the homeland's national identity is affected more by its diaspora than the other way around.

Mexican nationalists have great difficulty accepting the notion of cultural fusion with their hated enemy to the north. Yet many intellectuals recognize the inevitability of the Mexican-American-Mexicano *acercamiento.* They remind themselves that Mexico and its diaspora are bound together by family, cultural, historical, and economic links. Their continued strong impact on one another is a given, but their different environments dictate the continued development of unique and separate identities. Some intellectuals have advocated that the cultural exchange be conducted between the motherland and its diaspora in the spirit of openness to identity transformation in both Mexico and the United States. In this context, relations between the two communities across the border are often presented as an indication of the growing integration of North and South America.[129]

The new approach toward the diaspora is often presented in Mexico as criticism of Paz's *pachuco* characterization. Yet one must remember that even Paz was aware that national character is not immutable and that changes are effected by external circumstances as much as by internal development, if not more so.[130]

[129] Enrique R. Lamadrid, "Ariel y Caliban: el reencuentro desdoblado de Mexican-Americans y mexicanos," *Cuardenos Americanos - Nueva Epoca* 10 (January-February 1996): 108.

[130] Paz, *The Labyrinth of Solitude*, 9.

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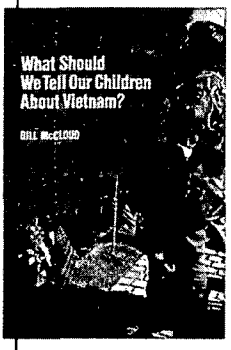
Barry Goldwater & Anita Hill



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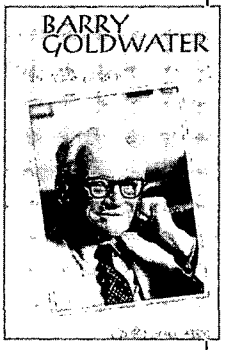

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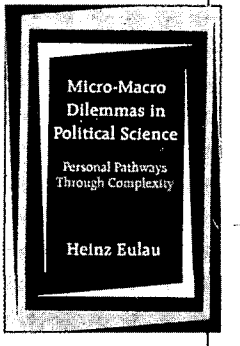

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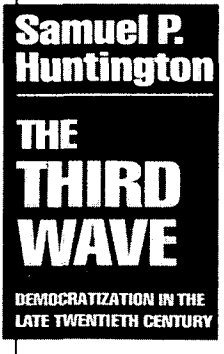

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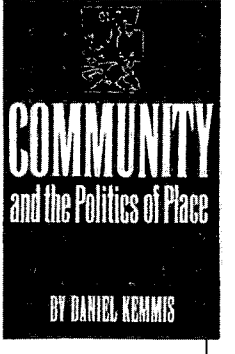

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Book Reviews

Years of Renewal *by Henry Kissinger. New York, Simon & Schuster, 1999. 1151 pp. $35.00.*

In this second draft of history, Henry Kissinger details the 1974 to early 1977 years when he served as Gerald Ford's secretary of State and, until Ford reduced Kissinger's power if not his visibility by replacing him in October 1975 with Brent Scowcroft, as national security adviser. The book works on two levels. One is a detailed account of specific foreign policies. The other is Kissinger's reflections on the larger meaning and historical contexts of the policies.

Specific analyses range from the painful withdrawal from Vietnam through the breakthroughs with China and the aborted détente with the Soviet Union to comprehensive accounts of dealings with African front-line states; Latin America, especially Allende's Chile; the Middle East, the Sinai agreement, and the energy crisis; Cyprus; the Helsinki conference breakthrough (in which Kissinger pictures himself more in favor of the conference's decisions, especially on human rights, than was thought at the time or since); and the Kurdish problem. Richard Nixon is again seen as a statesman: his "eccentricities . . . must be balanced against the fact that, in the field of foreign policy, he achieved almost everything he set out to do" (p. 72). The "almost" only partially hides the failures of Nixon's policies toward the Soviets by 1974 and the final humiliations, told here in detail, of his Vietnam policies. Both defeats are ascribed with some accuracy to American politics and specifically the U.S. Senate. Henry Jackson appears as the winner in the contest over who would shape key parts of policy toward the Soviets, although according to Kissinger, the senator later regretted much of what he did to stifle Nixon's détente approach. Aside from Kissinger himself, Ford emerges as a hero, a steady, straightforward, commonsense type who understood Washington politics and restored "calm and confidence to a nation surfeited with upheavals" (p. 17).

The book's second level is the more interesting of the two. Kissinger has devoted much of his writing over the past half-century to tilting against what he considers to be "Wilsonianism," and here it becomes a main target. It is blamed for major U.S. errors in Vietnam, for Americans having so little tested philosophy when dealing with complex foreign affairs, and for their supposed rejection of balance-of-power politics and the attractions of equilibrium. In all, "Wilsonianism . . . had become dominant in the twentieth-century" (p. 103). From McKinley and Theodore Roosevelt through Truman, Eisenhower, Reagan, and Clinton this statement is arguable, although Kissinger is doubtless correct in ascribing Reagan's political success to his "Wilsonianism," a combination of "pragmatism and idealism" (p. 110) that won public support. This does not mean, however, that Reagan's policies were Wilsonian; it might indicate that Americans like to think idealistically about their acts, especially when

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they know they are using power quite brutally (as did Wilson) to get their way. The U.S. Foreign Service is meanwhile criticized in the present tense for being "conventionally Wilsonian" (p. 76), although given George Shultz's use of Foreign Service Officers, the characterization seems to work only for certain secretaries of State. On the other hand, Kissinger applauds U.S. diplomats and soldiers who "sustained America's idealistic tradition" (p. 542) to the end in Vietnam. At times, Wilsonianism can be convenient.

"Reflections," the last chapter, is especially notable as the need to rationalize specific policy decisions gives way to general observations on the role of public opinion, technology, and intellectuals, as well as the relative importance of equilibrium over justice as a policy guideline. These are important pages, even as the detailed history of 1974–1977 serves as history's second draft that later writers will modify and challenge.

WALTER LAFEBER
Cornell University

Choosing War: The Lost Chance for Peace and the Escalation of War in Vietnam *by Fredrik Logevall. Berkeley, University of California Press, 1999. 443 pp. $35.00.*

Lyndon Johnson's decisions in 1964–1965 to escalate the war in Vietnam led the country into a costly and disastrous conflict. The United States needlessly squandered American, Vietnamese, and Cambodian lives; alienated much of the good will it still retained in many parts of the world; wasted scarce economic resources and triggered a runaway inflation; and antagonized a generation of draft-age Americans, provoking a culture war on the home front. Not surprisingly, numerous scholars have sought to understand the combination of motives and expectations that led to this unmitigated tragedy.

Choosing War, the latest book-length attempt to make sense of the Vietnam decisions, is also one of the best. It makes use of new evidence, most of it from the archives of third parties; but as the author acknowledges, most of these countries had little influence on American policy. The merits of the book lie rather in its arguments, and these warrant serious consideration by historians interested in the conflict and political scientists interested in the process by which democratic governments make foreign policy.

Logevall disagrees with Leslie Gelb and Richard Betts (*The Irony of Vietnam: The System Worked*) and others who argue that by late 1964 there was no alternative to standing firm in Vietnam. The assertion that direct military intervention was overdetermined rests on the claim that too much credibility was at stake at home and abroad for any president to have reduced the American commitment. Logevall maintains that at no point in 1964 were American leaders hemmed in on Vietnam. In the international community, the United States was largely isolated; key allies opposed escalation and resisted American pressure to participate because they uniformly doubted the relevance of South Vietnam to Western security and the ability of military force to salvage a corrupt regime and deteriorating political situation. The Chinese and Russians were restrained in their military and political support of North Vietnam, and the Russians in particular hoped for a political solution that might be achieved by means of a new Geneva conference. At home, elite opinion was divided, with little support for direct military intervention. The strong cold war consensus taken as given by much of the literature did not congeal until *after* American ground forces were introduced. The mainstream press and many important congressional voices spoke out against further military commitments.

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Some of the literature on Vietnam stresses the pull as well as the push: the belief by Johnson's top advisers that military force could bring North Vietnam and the Viet Cong to their knees. Here, too, Logevall tells a different story. With little foreign and domestic loss, the Johnson administration could have arranged for an international agreement on Vietnam and exploited it as a fig leaf to cover a withdrawal. The truth of the matter is that none of the "awesome foursome"—Johnson, Robert McNamara, McGeorge Bundy, and Dean Rusk—were particularly sanguine about the ability of U.S. forces to win a military victory. Nor were they ill informed about the domestic difficulties of the Diem regime and the possibility that American intervention would further undercut support for any South Vietnamese government. As early as March 1964, Robert McNamara appears to have had deep doubts about the efficacy of providing military aid and support to South Vietnam. Logevall infers that his famed hawkishness on the war "likely resulted not from optimism about the outlook or conviction that America's national security was at stake but from his almost slavish loyalty to his president. Lyndon Johnson had made clear that he could not countenance defeat in Vietnam, and McNamara aimed to ensure it would not happen" (p. 127).

Why then did the United States dramatically escalate its military and political commitment to Vietnam? Logevall suggests that there was a multiplicity of reasons that combined to produce this tragically flawed set of choices. Given the gradual involvement of the United States in Vietnam, escalation was bound to be one of the options considered by both the Kennedy and Johnson administrations, but it was not the only choice. Nevertheless, most of the contingency planning was for military intervention, and by comparison, little attention was devoted to possible political responses and solutions. The latter were the responsibility of the State Department, but Secretary Dean Rusk had no interest in negotiations. Rusk allowed the military to dominate the planning and decision-making process, because he believed that the situation on the ground had to improve significantly before any political solution would become possible. Thus, there was very little discussion of any alternative to escalations.

Other high-level American officials shared Rusk's fear of a premature political settlement. The coup against Diem was motivated more than anything else by the fear in Washington that he might succeed in ending the war through a political deal with the National Liberation Front and the North. Subsequent Vietnamese leaders and generals were acceptable only to the degree that they were not tainted by any past expressions of interest in negotiations. A primary motive for intervention was to prevent any deal between South and North, shore up the military will of the South Vietnamese government and army, and create a more favorable military situation that would allow the preservation of an independent South Vietnam. Ironically, the very absence of international support for the American position and the prospect of a political end to the war provoked American intervention.

This still begs the question of why the goal of an independent South Vietnam was so important to the Johnson administration. Logevall insists that the key consideration here was credibility and the need to preserve it by avoiding a political defeat in Vietnam. This explanation was repeatedly offered by officials in meetings and deep background briefings to other government officials and the media. Credibility had several components, only one of which was national credibility and prestige. Also on the line, was the credibility of the Democratic party, or so Kennedy and Johnson believed, and the personal credibility of the officials long associated with the American commitment to an independent South Vietnam.

The key decision maker in all respects was Lyndon Johnson, and escalation could never have occurred without his approval and support. According to Logevall, Johnson viewed the Vietnam problem in terms of his domestic political objectives and his desire to go down

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in history as a great president. The former explains his desire to keep Vietnam from being lost, especially in a year when he sought congressional support for key programs. Logevall quotes McGeorge Bundy, who believed that Johnson might have managed to push through his legislative agenda even in the aftermath of a withdrawal from Vietnam. Johnson escalated because he believed that achieving victory in Vietnam was important for its own sake. Logevall suggests that Johnson was a hawk because he could not separate his personality and self-esteem from his politics. He regarded attacks on Vietnam policy as attacks on himself and American credibility as his own credibility and lost whatever capability he had to make a detached and rational judgment.

Logevall denies that intervention in Vietnam was in any way overdetermined. To make his point, he engages in an interesting counterfactual thought experiment about what would have happened if Lee Harvey Oswald had missed. Up to the day of his assassination, Kennedy had not decided what to do about Vietnam. His earlier decisions had increased the American military presence in that country, but they had usually been compromise decisions seeking to avoid the choice between withdrawal and Americanization of the war. In light of this record, Logevall argues that Kennedy always sought to preserve his flexibility on Vietnam and would have deferred making any hard choice as long as possible. For reasons of personality, he might have been more inclined than Johnson to heed the warnings of those who opposed escalation. The personality of the leader—in this case, Lyndon Johnson—proved decisive.

Readers may disagree with some or all of Logevall's arguments and conclusions, but his book is well constructed and documented and carefully argued. It will undoubtedly have a significant influence on our thinking about the Johnson administration and Vietnam.

RICHARD NED LEBOW
The Ohio State University

Crime, Public Opinion, and Civil Liberties: The Tolerant Public *by Shmuel Lock. Westport, CT, Praeger Publishers, 1999. 280 pp. $59.95.*

Lock's work examines opinion differences between lawyers and the mass public regarding civil liberties and criminal justice procedures. The survey-based research not only offers considerable detail about Americans' opinions on these issues and how they contrast with those of legal elites, but it also illuminates the opinion leadership role of the U.S. Supreme Court. In the end, the educative role Lock assigns to lawyers provides further evidence to support the thesis that intellectual elites play a fundamentally important role in advancing mass public opinion formation.

Based on a representative telephone survey of Americans and a mail survey of lawyers, Lock finds robust differences of opinion across these two groups, echoing to some extent the findings of Herbert McClosky and others in past research. Lawyers are found to hold stronger civil libertarian positions than the mass public on a range of questions, including the right to counsel, searches of property, and habeas corpus. These differences are attributed to lawyers' greater appreciation for the often complicated rationales behind cumbersome criminal justice procedures. Among ordinary citizens, cross-group differences are not so clear. Levels of political knowledge and formal education frequently appear as explanatory variables, but their seeming influences on public opinion are not consistent enough to

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tell an especially parsimonious story. Lock finds that highly educated and knowledgeable citizens tend to support civil libertarian positions more than do their less educated and less knowledgeable peers, but the cross-group differences are frequently slight. Intuitively, more educated and knowledgeable persons, like lawyers, are not more able to appreciate civil liberties, but the differences among ordinary citizens typically remain less dramatic than differences between the public and lawyers.

Lock highlights an important cross-pressure on lawyers and informed citizens in the form of the recent rightward ideological shift by the Court. Despite this role reversal, the Court still appears to be a potent cue-giver to lawyers and the attentive public, as these respondents tend to adopt opinions in line with the Court in most of the cases examined in this study. Curiously omitted from the research are civil liberties questions the Court has not addressed. Lock's reader is left wondering about the directions of elite and mass opinions on questions for which there is no Court-issued cue. Should we suppose that the general tendency of knowledgeable citizens and legal elites to adopt more civil libertarian positions will prevail? This may be, but the text gives no clear indication.

Lock's work fits squarely within an established tradition that sees a vitally important opinion leadership role for political elites. The notion articulated most notably by V. O. Key, Jr. in the early 1960s has been built upon during the 1990s by Samuel Popkin, John Zaller, and the team of Benjamin Page and Robert Shapiro. This body of research illustrates the opportunities and pitfalls of elite leadership, including the advancement of public opinion formation in constructive ways and the occasional misleading of it. Standing on such shoulders places Lock in good company. True to this tradition, he concludes with a call to legal elites to educate the public about civil libertarian ideals, using the mass media as the most likely conduit. This is a tall order, given what we know about the pressures and limitations facing journalists and the rather inattentive approach to politics taken by most citizens.

Despite the book's narrow focus, it makes a solid contribution to our understanding of elite leadership of public opinion. The work raises questions about the generalizability of its findings to other areas, but it offers a thorough examination of many of these ideas as they pertain to criminal justice.

GREG M. SHAW
Illinois Wesleyan University

War and Press Freedom: The Problem of Prerogative Power *by Jeffery A. Smith. New York, Oxford University Press, 1999. 324 pp. Cloth, $45.00; paper, $19.95.*

For two centuries, Americans have debated a basic constitutional issue: Should a free press in time of war be suppressed to favor presidential prerogative? The executive branch traditionally invokes broad doctrines of self-preservation, national security, and military necessity to deny to reporters—and to the public—vital information on the conduct and purpose of military operations. Although recognizing that it is appropriate to protect a narrow range of defense secrets, Jeffery Smith concludes that more stringent restrictions are "unconstitutional, unjust, and impractical" (p. vii). He explains that in the age of the internet and other technological advances, efforts by the executive branch to monopolize information are unlikely to succeed. Still, executive officials can keep a tight lid on departmental information and restrict reporter access to war zones.

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Smith begins by reviewing basic constitutional principles, including ideals from the Enlightenment that sought to avoid war and its calamitous effects on citizens. Acknowledging the right of self-defense, Enlightenment libertarian principles also looked with suspicion on the monarchical appetite for initiating war to satisfy fame and personal glory. A republican government relying on the consent of the people would embark on war with much greater caution and circumspection. James Madison and other Framers drew from these Enlightenment principles, insisting that a crucial check on the president's power to make war was unlimited debate by citizens. The free-press clause in the First Amendment was meant to safeguard this right of citizens.

In chapters that cover the presidencies from George Washington to Bill Clinton, Smith lays out a detailed accounting of how personal attitudes and bureaucratic structures affect the dissemination of information. Of special interest is the relatively open policy of General Dwight D. Eisenhower during World War II, even to the extent of allowing press coverage of racial incidents between white and black American soldiers. He told a reporter, "to go wherever he wanted, whenever he wanted," so there would be no suspicion of covering up "error and stupidity" (p. 213).

General William Westmoreland, Henry Kissinger, and Richard Nixon blamed the media in large part for the outcome of the Vietnam War (pp. 198–200). As a counterbalance to such claims, Smith cites a study by William M. Hammond, who concluded that the public turned against the war not so much because of media coverage but because of mounting casualties, the administration's ineffective war strategy, and the perception of dissembling by executive officials. Despite these lessons from the media's role in Vietnam, officials in the Reagan administration decided in 1983 to keep the media out of Grenada, and in 1991 the Bush administration severely limited the circulation of videos and photographs of combat activity in the Gulf War.

In the concluding chapter, Smith reviews some of the basic principles that govern press freedom in wartime. A Defense Department policy released after the Gulf War stated that information should not be withheld "to protect the government from criticism or embarrassment" but could be withheld "only when disclosure would adversely affect national security or threaten the safety or privacy of the men and women of the Armed Forces." The military wanted to review draft stories before their release, but media representatives objected that this procedure would be unwarranted and unnecessary (pp. 226–27). Smith argues persuasively that whatever the risks of press freedom in time of war, the far greater risk is allowing unsound and futile military policies to continue unchecked and unexposed. He ends with this advice from Benjamin Franklin: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

LOUIS FISHER
Congressional Research Service

Democratic Politics in Latin America and the Caribbean *by Jorge I. Domínguez. Baltimore, Johns Hopkins University Press, 1998. 253 pp. Cloth, $48.00; paper, $16.95.*

"The record is good enough," concludes Jorge I. Domínguez (p. 214). Six previously published chapters on the Caribbean, Central America and Panama, the institutions of democracies, ideas and leaders, Mexican political culture, and Cuba in the 1990s are framed by

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an introduction and a conclusion written for this volume. Domínguez's critical portrait of democracy in Latin America and the Caribbean crosses the academic and political divide: students and practitioners (or aspirants) of democracy are unlikely to find a more compelling collection; Left and Right lose their traditional import as the gamut of democracy consolidates.

"Politicians talk, argue, and disagree. That is what they should do. The alternative is abuse and imposition without consultation or participation" (p. 214). Therein lies the democratic advantage: political institutions and cultures that allow for the periodical consent or rejection of leaders and goals by the citizenry. Bad as it may often be, democracy shines in comparison with other forms of government. Domínguez offers a wide spectrum of evidence from the recent past that permits a cautious optimism. Constructing democracies, not their breakdown nor their authoritarian alternatives, is his concern. The anthology itself is hopeful testimony: two decades ago democratic politics could not have served as a topical compass for essays on Latin America and the Caribbean.

The collection's strengths lie in the synthesis of the literature in view of the regional experiences. Thus, the well established theoretical and practical dictum—constructing certainties (assurances) are imperative for key actors to risk the uncertainties (contingencies) of democracies—finds repeated, vigorous exposition. The Anglophone Caribbean, Puerto Rico, and the post-1978 Dominican Republic illustrate the longer-term interactions between incumbents and opponents (chapter 1). El Salvador, Nicaragua, and Guatemala offer more recent examples of the choices made by regimes and their armed oppositions to end a state of war (chapter 2). A negative case is Cuba, where under Fidel Castro's leadership, political elites have postponed their day of reckoning: bargaining for assurances so that they may entertain the possibility of yielding power (chapter 6).

Domínguez, in his words, names names: leaders matter, for better or for worse. Castro's incontestable presence undoubtedly marked the choices made—and the alternatives discarded—as the early 1990s befell the Cuban government. Stellar statesmanship—at least of the kind democracies need—has surely strengthened democracy in the English-speaking Caribbean and in Puerto Rico: politicians have acknowledged defeat (the Jamaicans' Michael Manley in 1980 and Edward Seaga in 1989) or have known when to leave (Puerto Rico's Luis Muñoz Marín in 1964). Most impressive are the technopols—politicians with expertise or experts with political savvy—who are the subject of chapter 4: Brazil's Fernando Henrique Cardoso, Argentina's Domingo Cavallo, Mexico's Pedro Aspe, and the Chileans, Evelyn Matthei and Alejandro Foxley. In varying official capacities, each has taken ideas seriously and used them to act politically in pursuit of democracy and market reforms.

Not all is well, of course. In chapter 3 (coauthored with Jeanne Kinney Giraldo), Domínguez meticulously overviews political parties, institutional reforms, and state-market relations. Many Latin Americans have shown great capacity to organize themselves peacefully to participate in politics, but constitutional government has fallen short of democracy's needs. Mexicans manifest attitudes that are far more democratic than the behavior of their leaders or the functioning of the political system (chapter 5 with James A. McCann). Corruption and poverty have remained, in some cases worsened, in the transition to open politics and freer markets. But Domínguez is right: the record is good enough to hope that democratic governance will be improved.

MARIFELI PÉREZ-STABLE
State University of New York
College at Old Westbury

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Interpreting NAFTA: The Science and Art of Political Analysis *by Frederick W. Mayer. New York, Columbia University Press, 1998. 374 pp. Cloth, $47.50; paper, $17.50.*

The North American Free Trade Agreement (NAFTA) has been in existence not quite five years, a brief time as relations between countries go, but the remarkable changes that brought it into being are largely forgotten. There was nothing foreordained about Canada setting aside concerns of more than a century about loss of sovereignty if it entered into free trade with the United States. It was far from routine for Mexico to voluntarily make a U-turn from keeping its distance to embracing its northern neighbor.

The policy changes for the United States were important but less profound. The agreement with Canada that went into effect in 1988 was a declaration that the United States would practice preferential bilateralism and not base policy solely on the nondiscriminatory strictures of the General Agreement on Tariffs and Trade. The U.S. acceptance of President Carlos Salinas's proposal for free trade carried this policy shift a few giant steps further, but this time with a low-wage, authoritarian, developing country. Now, going on five years later, the two NAFTA partners account for one-third of U.S. merchandise exports and are the first and second U.S. trading partners. However, the agreement is controversial to this day, at least that aspect that deals with economic relations with Mexico.

Fritz Mayer, a professor of political science at Duke University, spent a year in 1992-1993 in the office of Senator Bill Bradley, which turned out to be a wonderful vantage from which to observe the intense end-game negotiations of NAFTA and then to record the fierce battle for congressional ratification of the agreement, which took place in November 1993. Mayer's book is a significant contribution on policy making in Washington. It contains both narrative and analysis, moving back and forth between the two, issue by issue. The coverage includes the motivations of President George Bush for accepting the Salinas proposal to negotiate; the decision of Canada to participate; the need for President Bill Clinton to put his own stamp on the agreement when he entered the presidency in early 1993; and the ferocious lobbying by disparate interests, such as big business, organized labor, and environmentalists, for and against ratification.

At the outset of the book, Mayer lays out his conceptual framework in a three-by-three matrix involving international, domestic, and individual levels of analysis in their interplay with rational choice, institutional, and symbolic politics. After the chronological narrative on each phase of the story, each chapter then seeks to interpret the events using the analytical framework. It is a useful exercise.

Mayer argues that because the marginal effects of NAFTA on the U.S. economy were small, a symbolic explanation of the heated domestic debate is appropriate. One can also argue that the NAFTA debate—really the Mexico debate—was a proxy for future trade policy. It was a confrontation about an open or closed U.S. market, the desirability of U.S. direct investment in developing countries, and limits, if any, that should be placed on globalization. This debate continues to this day.

Mayer notes at the close of his book that Graham Allison's famous book on the Cuban Missile Crisis, *Essence of Decision*, served as a model for what he attempted. The two typologies are not precisely the same, but the comparison is apt. The strength of the book is precisely that it combines detailed narrative and cogent analysis about an important issue of foreign political-economic policy.

SIDNEY WEINTRAUB
Center for Strategic and International Studies
Washington, DC

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All Too Human: A Political Education *by George Stephanopoulos. Boston, Little, Brown, and Co., 456 pp. $27.95.*

The English have a saying inspired by soccer: "Always play the ball and not the man." The meaning is obvious. People's works should be judged on their merits, not on the basis of the personal qualities of whomever produced them. Richard Wagner was undoubtedly a beast, but he wrote great music. The saying's application to book reviewing is equally obvious: always judge the book, never its author.

Most U.S. reviewers of *All Too Human* seem to have violated this norm. Stephanopoulos was variously excoriated for having become a television pundit so soon after leaving the White House, for having betrayed so many White House secrets, and for having bitten the hand—President Clinton's—that had so recently fed him. The book itself was largely forgotten.

But *All Too Human* is one of the finest volumes of political memoirs to appear on either side of the Atlantic during this century. It is subtle and acute, beautifully written and beautifully constructed. It will be read with pleasure in a hundred years' time. Not the least of its many virtues is that Stephanopoulos, unlike most memoir writers, eschews irrelevant detail. Facts are deployed instead of merely being accumulated. Often they are deployed to comic effect, as when the author describes how he tried in the lobby of a mock-Tudor hotel to suppress one of the many scandals that threatened to engulf Clinton's 1992 presidential campaign: "Under the gaze of the suits of armor posted by the registration desk, I tried to pick off the journalists one by one" (p. 58).

Most memoir writers are either openly vain or else attempt to conceal their vanity behind a mask of mock modesty. Stephanopoulos is the opposite. *All Too Human* is an essay in self-abnegation, almost self-flaggelation. Credit for success is given to others. Responsibility for failure the author clutches to his own bosom. His first White House press conference was a fiasco, and when it was over, "I hustled out of there," he writes, "with my head down like a rookie knocked from the mound in the first inning of his first game" (p. 113).

He was conscious from the beginning that there were two sides to his nature. One George Stephanopoulos was a traditional liberal Democrat, inspired by altruism, anxious to do the right thing, reluctant to compromise; the other was a hired gun, ruthless, focused, not altogether honest, capable of cutting corners. "I wanted," he says, with his usual candor, "to do good *and* do well"(p. 15). Elsewhere he describes "restrained idealism and raw ambition" as "the pistons" of his character (p. 24).

The trouble was that as time went on and the flaws in Clinton's own character began to emerge, the hired gun in Stephanopoulos began to take over—or, more precisely, the conflicts in him between restrained idealism and raw ambition became increasingly intense. The pressures of the job also got to him. The results were the loss of a girl friend ("exactly what I deserved" [p. 135]), anxiety, insomnia, hives, depression (for which he sought therapy), and what seem to have been growing feelings of self-disgust. Sensibly, he got out.

All Too Human is thus a human tale, wryly and often movingly told; but it is also, of course, a political tale—a tale of politics at the court of King Bill. And Stephanopoulos is far more open than most former courtiers about the anxieties and maneuverings that have attended court politics everywhere and always. He feared leaving the White House, even for a few hours: "What if the president needs me? What if he doesn't?" (p. 188). *All Too Human* is thus not merely a haunting political memoir. It is a vivid evocation of politics as it is lived at the very highest level.

ANTHONY KING
University of Essex, England

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Coercive Military Strategy *by Stephen J. Cimbala. College Station, Texas A&M University Press, 1998. 224 pp. $39.95.*

The most recent book from the prolific pen of Stephen J. Cimbala is a frustrating work. It is labeled a study of "coercive military strategy," and the introduction suggests that the book is an attempt to expand on Alexander George's concept of coercive diplomacy: the threat or limited use of force to persuade an adversary to stop or reverse an undesired action. Cimbala wants to discuss persuasion using military force in all its forms. But after wading through the abundant digressions, the confused definitions of terms, and the thoroughly opaque writing that make up the bulk of this book's 224 pages, one is left with very little new analysis and certainly nothing that approaches the work done by George (or, for that matter, Thomas Schelling's earlier discussion of "compellence"). The book's promise of new thinking regarding the persuasive use of force is never fulfilled.

Cimbala does highlight a few useful issues, especially the broad point that policy makers pay too little attention to shaping military strategy to the political objective of persuasion. One insight, drawn from an analysis of the allied air war against Iraq in 1991, is that matching force to persuasive objectives sometimes leads to counterintuitive military strategies. Cimbala notes that the massive application of air power as used in the Gulf is almost certainly more effective and quicker at convincing an adversary to yield than more surgical or limited strikes, such as those NATO carried out in Kosovo. Thus, Cimbala confusingly sums up, "The Gulf War showed that limited war can, and sometimes should, be fought without restraint" (p. 96).

Cimbala also provides a brief but solid analysis of why coercive diplomacy is so much harder to carry out within a coalition than alone, and suggests that the post-cold war world will see many more ambiguous and tentative attempts at persuasive uses of force, like those carried out in the Balkans. But the chapter as a whole devolves into a discussion of failed states and never addresses the question of how coalition-based coercion can be made more effective, or whether it should be abandoned as a policy option when allied states' interests are not sufficiently congruent.

Cimbala seems to have a kernel of a new idea in the concept of coercive military strategy, but it is barely developed and is completely overshadowed by the book's confused conceptual framework and fragmented narrative. In early chapters on how the cold war and the Cuban Missile Crisis shaped U.S. thinking about limited war and persuasive uses of force, the reader is treated to tangential rehashes of debates over the realities of the 1950's U.S.–Soviet missile gap, the consequences of the Bottom-Up Review, and the effect of domestic U.S. opposition to the Vietnam War. The chapter on coercive strategy in Vietnam ultimately concludes that "it is conceivable" that a successful strategy did not exist (p. 112), hardly a novel or a useful insight. In discussing the Gulf Crisis of 1990-1991, Cimbala mingles (and mangles) the terms and categories (such as deterrence, compellence, and coercive diplomacy) used in previous studies to refer to persuasive demonstrations or uses of force, so that the reader loses all sense of how his new concept is meant to relate to those earlier ones.

The book's text shows all the markings of having been hastily written and only lightly edited before being brought to press. Prepositions and articles are missing from sentences; typographical errors are frequent; and punctuation is inconsistent. Numerous tables are included whose relevance to the argument is tenuous at best. The main line of the argument becomes lost among lengthy discussions of only tangentially related subjects, and the attributes of coercive military strategy that make up the book's conclusions arrive unexpectedly and with little evidentiary or analytical support from the preceding chapters.

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Forcing one's opponent to change his mind in your favor is usually quicker and cheaper than conquering him totally, and how best to accomplish this is a worthy subject. Moreover, coercive but limited uses of force seem to be emerging as a common approach to post-cold-war security problems, making effective coercion an important skill for the United States, in particular, to master. Unfortunately, Cimbala's book provides little insight into this very important question.

TAMARA COFMAN WITTES
Georgetown University

The New Dollars and Dreams: American Incomes and Economic Change *by Frank Levy. New York, Russell Sage Foundation, 1998. 256 pp. Cloth, $39.95; paper, $16.95.*

Often it seems one must choose one or the other: either the slogans that are easily accessible to the public or the more complex truths that are intellectually honest. This tension between what the public can understand and what is actually going on is heightened in an era when many people feel that just about everything said "officially" is a lie. So it is that in today's form of democracy, "speaking truth to power" depends heavily on finding articulate, fair-minded experts who can tell ordinary citizens what they need to know, rather than just what they want to hear about the public's business.

Economist Frank Levy is one of those rare experts. He has written a highly accessible economic history of the postwar period focusing on the changing level and distributions of money income. Since so much of modern politics is centered on people's economic well-being, real and imagined, Levy's book is more than a valuable overview describing and explaining basic economic trends. It is also an essential primer on the changing context of American politics.

There are three stories to tell. These are Levy's way of weighing the merits of what he considers the post-1970s' experiment in free market economics. The first story is one of overall success in handling the problems of high inflation, unemployment, and federal deficits. On the downside, the second story deals with the continuing slow growth in average wages and family income. Darker still, the third account traces the large and growing inequality in Americans' incomes.

These large tendencies in the economy are shown to depend on the interplay of three factors: productivity growth, "skill bias" in the labor market, and equalizing institutions. In light of these variables, what has happened comes into sharper focus as Levy contrasts our past two decades with the quarter-century after World War II. Unlike the 1946-1973 period, productivity growth in the last twenty years has remained weak, yielding continuing slow growth in incomes. Rather than a skill-neutral expansion of the economy, we have been living through a time of skill bias (the economic premium put on education and skills) in a labor market of less secure jobs at all levels and sectors. While the 45 percent of the workforce who have not gone beyond high school falls ever farther behind, the financial security that helps define a good job is gone for everybody (tenured professors excepted?) for the foreseeable future. At the same time, the equalizing institutions of government and the economy have generally turned toward heightened competition and shifted bargaining power away from the typical worker. Thus the immediate postwar period's inequality characterized by old age, region, and across-the-board growth has been replaced with more per-

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vasive job insecurity and a contemporary class structure increasingly differentiated along educational lines.

Along the way of telling his stories, Levy debunks or cuts down to appropriate size a number of popular misconceptions, such as a presumed generic basis for income inequality, the development of a winner-take-all economy, or blaming job shifts from manufacturing to services for creating a two-tier job market. The middle class has shrunk slightly since the early 1970s; more to the point, it is middle class children who have been disappearing in the income distribution.

And what of the role of government? Levy argues there is little to expect from government by way of affecting the deep movements in economic structure, particularly changes in productivity and average wage growth. But (as the economists like to say) "on the other hand," government has a vital role as the focus of our equalizing efforts, particularly through better schools for all and better safety net benefits conditioned on work.

In the end, *The New Dollars and Dreams* points toward political conclusions more disturbing than the author seems willing to discuss. Levy concludes that if winners see no reason to moderate outcomes and use institutions to compensate losers in the economic scramble, then popular support for free markets and other pro-growth policies will collapse. But in our current political structure, it is precisely the winners who are in an overwhelmingly superior position to influence public policy decisions, and they have the least reason to think that the economic system is treating people unfairly. How many people reading this book review, for example, really care about what is going on in our vocational education classes? Given the asymmetries of political power in a class structure more sharply divided along educational lines, economic progress and enlightened self-interest of the privileged may in fact not require helping those left behind. In such a situation, truth and fairness become no more than what power happens to speak.

HUGH HECLO
George Mason University

The Unions and the Democrats: An Enduring Alliance *by Taylor E. Dark. Ithaca, NY, Cornell University Press, 1999. 233 pp. $37.50.*

Has the power of organized labor in American politics declined since the 1960s? Has it changed in form? How shall we understand the relationship between labor unions, political parties, and the state? These three questions—broad in scope and equally challenging in tenor—occupy Taylor Dark's *The Unions and the Democrats*. It is a wonderful book, not the least because it traverses ground that has so rarely been covered.

Traditionally, academic work on American labor has taken as its point of departure Samuel Gompers's assertion that the American union movement is nonpartisan or voluntaristic—interested primarily in economic issues and only tangentially in politics. Recent work has challenged this view, showing that the AFL and Gompers himself were intimately involved in political machinations from 1906 or so. Yet neither historians nor political scientists have examined this question in the contemporary era. The neglect of historians is understandable. For the political scientists, I can only surmise that labor unions have not been deemed of sufficient significance to warrant extended analysis.

Dark's book should remedy this misimpression. Dark shows that contrary to standard wisdom, labor unions have maintained a great deal of power within the Democratic party,

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within Congress, and within several Democratic administrations since the 1960s. With an artful blend of historical narrative—drawn from extensive interviews and archival research—and political science analysis, Dark proves beyond a doubt that organized labor has maintained a privileged position within the big tent of Democracy. The AFL-CIO is not just another pressure group clamoring to be heard in the cacophony of interest group liberalism; it is *the* most significant block of voters, lobbying savvy, and campaign money in the Democratic arsenal.

Beyond this, the story is more complicated. How much power exactly does organized labor have? The problem of judging power is endemic to virtually any work in which politics and policy are the outcome of interest. How do we know which groups have contributed what amount of influence over these outcomes? Dark gets at this question with the best process-training material available and a broad historical canvas over which to assess variable outcomes. As I read the evidence, it goes as follows: organized labor is not quite as powerful as it was during its heyday in the 1940s, 1950s, and 1960s. It is not nearly as powerful as its cousins in Western Europe (this part of the story is well known, but bears reiteration); but it is much more powerful than other interest groups within the Democratic party. In short, while the AFL-CIO's power has declined marginally over the past several decades, the interest-group community has mushroomed. Labor now shares access with groups representing women, blacks, seniors, gays and lesbians, environmentalists, and many other less readily identifiable groups. But it is still the biggest fish in this rapidly growing pond. Being the biggest fish allows it to play the role of mediator on Capitol Hill, interlocutor at the White House, and all-purpose consultant on the campaign trail. While the steep decline in labor union membership over the past several decades has weakened the political power of organized labor, it remains a potent force.

Several facts will make this general point more concrete. Organized labor is one of the few financial resources for Democratic congressional candidates challenging Republican incumbents. Their weight in campaign at all levels is enhanced by their membership rolls (labor unions are not just check-writing PACs), by their in-kind donations (offices, telephone banks), and by their strength in swing states. Public sector unions (an increasing share of organized labor in the United States) have direct, material benefits at stake in the political game, which helps account for the preeminence of the American Federation of State, County and Municipal Employees, the National Education Association (NEA), and the American Federation of Teachers (AFT) in presidential politics. More broadly, union leadership at all levels has become convinced that the struggle for survival depends upon a favorable political climate—more concretely, on favorable appointments to the National Labor Relations Board, favorable revision to labor laws, and on favorable trade legislation. It is no surprise that the AFL-CIO and its member unions have committed significant resources—both financial and organizational—to recent congressional and presidential elections.

Dark's book is not merely descriptive. His analytic framework draws on the exchange metaphor, in which the leadership structure of organized labor and of the political system at large are the central independent variables. Within the constraints of a decentralized constitutional framework and a weak and equally decentralized labor movement, considerable variation occurs in labor strategy and success over the several decades under investigation here. Briefly, Dark shows how organized labor has adjusted—after some rough patches during the 1970s—to the new, hyperpluralist politics of the current era.

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The Unions and the Democrats is a superb rendering of a very difficult subject, of interest to those who study American labor, Congress, the presidency, and recent American history. It should spur renewed study of a long-neglected subject.

JOHN C. GERRING
Boston University

The Idea of Public Journalism *edited by Theodore L. Glasser. New York, The Guilford Press, 1999. 229 pp. Paper, $21.95.*

If you accept the notion that journalists are accurately described by their historic cognomen as the Fourth Estate, then the idea that they should be active participants in the governance of a nation is a logical one. In legal circles when journalists come under attack, they regularly fall back on the First Amendment and its historic interpretation that the news media are entitled to special protection as servants of the public interest, presenting without fear of censorship all points of view on matters of public controversy. It's an ideal view of the media, of course, but not one regularly represented in the daily practice of journalism in the United States. From the beginning, journalism has been a business conducted to make money while serving the public interest. Sometimes it can do both, but the reality is that if it doesn't make money, it can't do either.

The authors represented in this slim volume are almost exclusively academic in their current careers and, not surprisingly, uninterested in the business side of journalism. What they see with varying degrees of disdain is an American journalistic community caught up in glamour and scandal and horse-race coverage of politics, with little interest in presenting a detailed and impartial view of the major issues confronting the voting public. That's not a hard case to make. With certain notable exceptions for some American newspapers and a few television broadcasters, major issues are not presented to the public in the style of a graduate school seminar.

To remedy this lack, the more ardent proponents of public—or civic—journalism suggest that the press become more active mentors or interlocutors in bringing public issues to the fore, encouraging and even shaping debate among much of the electorate so as to insure a truly working democracy. It's the high-minded theory of the First Amendment put into practice. But some of the authors are quick to note that the theory is not without problems. It presumes an objectivity in the press and a willingness to referee all disputes from an Olympian impartiality so that only the public will prevails and is displayed in the final journalistic presentations. Given the realities of the marketplace economy, that isn't going to happen—and maybe it's just as well the media don't assume an elitist, Lippmannesque role as the torchbearers of a glorious new democracy.

So we are left with the current mixed journalistic bag. Lots of money-grubbing, scandal-chasing media and a small but important segment of responsible practitioners who pursue what they perceive to be the public interest and try to present the facts of that interest as objectively as they can. They don't always succeed, and their critics will be quick to cite what they see as partisanship.

Nonetheless, that small but significant group of practitioners does often get it right, producing disclosures like Watergate, identifying environmental hazards, campaigning against

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smoking and drunk driving, exploring complicated issues like health care and Social Security. The media are not all supercharged gossip mongers. Which brings us around to Winston Churchill's famous aphorism that democracy is the worst possible system of government—except for all others. Perhaps that aphorism can very appropriately be applied to American journalism today.

JOHN J. SMEE
Fordham University

Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy *by Martin Gilens. Chicago, University of Chicago Press, 1999. 296 pp. $25.00.*

This excellent book makes three primary arguments. First, as measured in surveys, Americans consistently and often strongly support the major elements of the modern liberal welfare state, including means-tested aid to the poor. Second, Americans simultaneously oppose welfare, as that term is popularly understood. Third, the disjunction between these two positions centers on a conflation of race with welfare, largely attributable to a combination of the changing politics of welfare and hypertrophic media representations of the nature of poverty and the poor.

The book combines several types of analysis. In large part it is a skillful exercise in the analysis of survey data on a variety of public programs, all of which involve public expenditures and most of which win substantial public support. The glaring exception is welfare. Americans tell survey interviewers they are willing to expand every aspect of the welfare state except welfare.

Gilens examines the possibility that these attitudes reflect beliefs in individualism or simple economic self-interest but finds little support for either. He terms the type of individualism emerging from his analysis "bounded individualism," a conception that does not foreclose the possibility of government aid to those needing it. His data show that while those with lower incomes do tend to support welfare spending more than those with higher incomes, such groups also move in unison with greater opposition to welfare in good economic times and less in poor ones. As with the related literature on sociotropic voting, there is evidence that the public does take into consideration economic circumstance in expressing its policy preferences. But the public, the author argues, also takes into consideration the nature of the people facing those circumstances and the extent to which perceptions of those people run afoul of a long-established belief in helping only the deserving poor. Here is where the conflation of race with welfare enters and where welfare becomes distinct from other elements of the welfare state.

The basic argument is this: against the background of the great black migration north during the middle of the twentieth century and the change in the demographics of Aid to Families with Dependent Children recipients, the political meaning of welfare was transformed in seminal precipitating events of the 1960s. Chief among these was the transition of the civil rights movement from legal to economic issues and the ghetto riots of the mid-to-late 1960s. This led to the racialization of poverty—the conflation of poverty, welfare, and race in the public mind. The chief element in the dissemination of this racialized image of welfare was the tenor of media coverage, and it is here that Gilens moves from survey analysis to a variety of content analyses of media stories and images on welfare and poverty.

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He concludes that coverage became more negative and critical of welfare and antipoverty programs as it simultaneously became more focused on blacks.

Throughout, Gilens is careful to consider alternative explanations, and thus the book provides a number of brief but carefully done examples in the logic of description and explanation as well as a nice mix of survey, content, and policy analysis. The book is also theoretically eclectic. Gilens uses a broad historical brush for some explanatory purposes and—to account for biases in the selections of photo editors—a more narrowly focused psychological literature. His conclusion brings the analysis back to its point of departure—public policy.

This book is an unusually skillful and thoughtful analysis, which via welfare policy, x-rays many of the major elements of the American system. This very breadth raises questions about the strength of inferences and the nature of linkages among various levels of analysis; but Gilens's care with data and his concern with plausible alternative explanations are models of execution, and the book deserves a wide readership.

PHILLIP L. GIANOS
California State University, Fullerton

Housing and Community Development in New York City *edited by Michael H. Schill. Albany, SUNY Press, 1999. 277 pp. Cloth, $65.50; paper, $21.95.*

The devolution of federal power in the realm of public housing has forced state and local governments to take on a greater role in housing low-income citizens. However, most of these governments remain ill prepared for this task and, making matters worse, no single solution yet exists. *Housing and Community Development in New York City*, a compilation of nine articles written by experts in housing policy and edited by Michael H. Schill, provides a good introduction to the subject of low-income housing. Changes; challenges; the impact of federal, state, and local players; market regulation; the courts; and homelessness—all are discussed in the context of New York City.

Where the work falls short is in Schill's insistence that New York represents an ideal case study and replicative model of public housing applicable to communities nationwide simply because of the New York City Housing Authority's (NYCHA) long involvement in the field of housing and community development. While problems of affordability, poverty, and racial segregation may exist throughout America, New York is an atypical town: its population continues to grow at a steady rate and is larger than any other, its housing consists predominantly of dense rental units, and its housing market is highly regulated. An analysis of low-income housing is larger and more complex than is permitted by this compilation. Although interesting, the collection of essays provides only a limited understanding of a very complex field because of its narrow geographic focus. Despite Schill's arguments to the contrary, it remains highly questionable whether the lessons learned in New York City are applicable to other parts of the country. In fact, in almost every way, they probably are not.

The geographic limitation is compounded by the fact that some of the articles lack depth, presenting only a narrow analysis of the topics addressed. For example, in "Between a Rock and a Hard Place: The Impact of Federal and State Policy Changes on Housing in New York City," Alex Schwartz and Avis Vidal focus the bulk of the chapter on the changing trends in federal and state housing policy and ignore the impact of those shifts on the housing market. The authors also offer few suggestions to protect the market against the effects of decreased government involvement.

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In Kathryn Wylde's essay, "The Contribution of Public-Private Partnerships to New York's Assisted Housing Industry," the author expounds upon the nature of these partnerships and their positive effects. However, her analysis is overly simplistic, as she does not fully acknowledge how critical government support actually is to the success of these collaborations. Without government funding, these partnerships are tenuous at best. With the recent trend of decreased government involvement in the housing market, a point raised in other chapters, supportive housing in New York could face serious problems in years to come.

In light of the current political and economic environment, it is inevitable that housing-related problems such as homelessness and the deterioration of affordable housing stock will only increase. Although this compilation represents an initial step in the right direction, more in-depth analysis would be welcome. Rather than offer the New York experience as a national blueprint, it would be more useful to highlight its mistakes. Perhaps the most valuable aspect of this work is as an example of what cannot or should not be done in other cities across America.

RALPH NUNEZ
Columbia University

Shifting the Color Line: Race and the American Welfare State *by Robert C. Lieberman. Cambridge, MA, Harvard University Press, 1998. 306 pp. $45.00.*

The use of "race" as a political and social category is fundamental to an understanding of American politics. Its presence ranges from support in recent opinion polls for a new segregation to racist-inspired killings such as that of James Byrd, an African American in Jasper, Texas. As Robert Lieberman observes in his outstanding book, *Shifting the Color Line*, "nowhere is racism more divisive and explosive than in the politics of welfare" (p. 3).

Robert Lieberman, a professor of political science at Columbia University, provides a detailed and persuasive analysis of the racial configuration of the American welfare system implemented in the 1930s. Entirely conversant with the existing research on the U.S. welfare state, Lieberman advances this scholarship decisively through a meticulous analysis of the way in which the major legislation of the 1930s—old age pensions, aid to dependent children, and unemployment insurance—were designed to respect and often reinforce racial cleavages. In three highly original chapters, Lieberman documents the formulation and implementation of each of these policies, drawing in each case upon extensive primary sources and other relevant material. His discussion is the most thorough to date available to scholars.

Lieberman argues that instead of establishing welfare programs that treated all citizens equally, regardless of race, the measures established as part of President Franklin D. Roosevelt's New Deal consolidated the second-class position of African Americans: "African Americans are disproportionately segregated into the weakest, stingiest and most politically vulnerable parts of the welfare state" (p. 3). This arises from what Lieberman terms the "race-laden" character of welfare initiatives, "the tendency of some policies to divide the population along racial lines without saying so in so many words" (p. 7).

Turning to the future, Lieberman concludes that it is possible to deflect racist policies through nationally funded and administered programs. This strategy is at variance with

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President Bill Clinton's Republican-inspired 1996 reform, the ponderously titled Personal Responsibility and Work Opportunities Reconciliation Act. Lieberman supports this proposition through an examination of the contrasting fates of old age pensions (a national, inclusionary program) and welfare policy (Aid to Families with Dependent Children), which before its abolition by Clinton in 1996 was locally controlled and historically exclusionary. Lieberman's study demonstrates the tenacity of these early patterns.

In addition to providing a detailed analysis of American welfare policy, *Shifting the Color Line* makes a significant contribution to the study of race in the United States. Complementing new research by scholars of public policy and surveys, Lieberman argues that the racial distortions and biases institutionalized in U.S. welfare programs have themselves strengthened and defined the position of African Americans. He writes that by forging "very different links with different segments of a population divided by race and class (as well as gender)," these programs "played a role in recasting, over the course of a generation, the political meaning of race in American life and reshaping the political identities of African-Americans themselves" (p. 6). These institutional effects are manifest in continuing cross-state and state-federal variations in welfare provision.

In sum, Robert Lieberman has written the best analysis available of how race structured the foundation and development of the American welfare state. It is a major achievement and an exemplary illustration of the power of the American political development approach to U.S. politics, combining historical depth with theoretical sophistication. All students of U.S. welfare and race politics will need to consult it.

DESMOND KING
St. John's College, University of Oxford

Party Formation and Democratic Transition in Spain: The Creation and Collapse of the Union of the Democratic Centre *by Jonathan Hopkin. UK, Macmillan Press and New York, St. Martin's Press, 1999. 289 pp. $69.95.*

This study sets out to explain the spectacular collapse of a governing party. The Union of the Democratic Centre (UCD) dramatically steered Spain from authoritarianism to democracy, but then it saw its vote-share drop from 35 percent in 1979 to less than 7 percent in 1982. It formally dissolved months later. Hopkin departs from Carlos Huneeus's 1985 UCD study by sharply limiting the events covered and organizing the narrative around a consistent theoretical argument about party solidarity vs. breakup. Hopkin straightforwardly adapts Angelo Panebianco's *Political Parties* (1988) to argue that the UCD was undone by several crucial factors. At its founding, Prime Minister Adolfo Suárez held enough political resources to attract partners into a coalition and then a party, substantially on his terms. His resources of power and personal popularity made cooperation initially optimal for them. But Suárez's decline and the rise of alternative resources from interest groups sparked demands to redistribute power internally. Genesis mattered: attempts at "voice" were choked by the centralized procedures Suárez had achieved. Given increasingly attractive exit options, factions defected leftward to the Socialist PSOE and rightward to Manuel Fraga's conservative AP. The argument is accompanied by innovative data, especially from interviews with participants. The analysis suggests the importance of resource deployment within parties and exit options and interest-group behavior in new party systems.

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Hopkin focuses heavily on factors internal to parties. He rejects one competing explanation within that same research tradition—the notion the UCD was doomed by ideological heterogeneity. But he only passingly downplays factors relating to parties' strategic environments, especially the behavior of competitors. But the book persuasively demonstrates only that Suárez's decline sparked disputes, not why these proceeded to the point of tearing the party apart. Moreover, Hopkin's key claim that the UCD's "internal crisis was more a cause of the party's decline than a consequence of it" (p. 239) assumes it is possible to disentangle these two events. But internal conflict rose and the PSOE and AP began aggressive drives toward the center around the same time.

This matters, because the strategic factors may constitute a parsimonious competing explanation or at least grounds for questioning the relevance of intraparty factors. Center-straddling parties appear to face grave difficulties whenever electoral laws have plurality-type effects. Without fear of losing old voters, parties anchored at one extreme can gain new ones by moving toward the center. In Spain, this advantage was held by the AP and PSOE once they began to moderate. The latter was insulated on the left by the PCE's enduring organizational and programmatic obstinacy. In contrast, the UCD faced a two-front war and broke up largely along left/right lines. Other parties in similar positions have hemorrhaged defectors in the same way, as described for example in Michael Holt's new *Rise and Fall of the American Whig Party* (chap. 26). What seem to beg explanation instead is Condorcet winners. In this sense, Manuel Fraga's strategy of abolishing effective parties to his right may have prompted years of suspicion and defeat, but now his party is institutionalized and governs to boot.

This book demonstrates the virtues and vices of case studies. Generalizable propositions are explored through rich data; numerous interviews provide types of evidence rarely available in secondary sources. But Hopkin also found comparison useful: he refuted the claim about the UCD's ideological rifts by identifying a heterogeneous party, the PSOE, which cohered. Similar comparisons might have refuted other competing lines of explanation and even demonstrated the relevance of Hopkin's factors to party collapses elsewhere.

The book raises the further question of whether the UCD's collapse matters. Claims that parties make a difference pit social democratic against conservative officeholders. This case concerns the replacement of one center-right party by another. The PP's last laugh may be a modest one: the AP (now PP) won only by assuming the UCD's positioning, voters, and several of the leaders Hopkin covers. Hopkin's intriguing theorizing and rich and creative empirical research will contribute to discussions of these and many related events.

GERARD ALEXANDER
University of Virginia

Television News and the Supreme Court *by Elliot E. Slotnick and Jennifer A. Segal. New York, Cambridge University Press, 1998. 264 pp. Cloth, $59.95; paper, $19.95.*

According to Slotnick and Segal, the reliance of television news on dramatic stories and visuals and the brevity of its pieces, combined with such rules and habits of the Supreme Court as excluding cameras and announcing several important decisions on the same day, produce coverage of the Court that is infrequent, brief, and often wrong. They base this conclusion on their interviews with Supreme Court reporters, studies of how television news

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covered the *Bakke* and *Webster* cases from inception through the immediate aftermath (these take up almost 30 percent of the book's text), and their analysis of videotapes of the three major networks' coverage of the Court's 1989–1990 and 1994–1995 terms.

Particularly revealing, the authors show that the coverage of the Court's decisions about which cases to hear, especially denials of certiorari, are rife with ambiguous language and blatant error; and they document that the amount of coverage dramatically decreased from the 1989–1990 term to that of 1994–1995. In sum, they find a "substantial distance between the amount and nature of the information about the Court made available to the mass public and the informational needs of the citizenry suggested by the dictates of classical democratic theory" (p. 14).

In general, supported by their interviews with such disgruntled former network Court reporters as Fred Graham of CBS and Carl Stern of NBC, Slotnick and Segal take an adverse, critical view of television coverage of the Court, sometimes unfairly. They criticize reporting of the *Bakke* and *Webster* cases as ahistorical and acontextual and for including politics and predictions. But why require the news to repeat already established background and facts? Why should it not fully cover the cases' significant political dimensions? After all, a common complaint about media coverage of the Court is that it is apolitical. Besides, since the cases failed to live up to the widespread expectation among lawyers and journalists that they would provide definitive decisions on significant issues, it was natural for reporters to include in their coverage predictions about the meaning and likely consequences of the equivocal decisions. Indeed, Slotnick and Segal could have praised the networks for giving prominent coverage to the cases, focusing on the larger social issues of affirmative action and abortion, and for reporting such aspects as Justice Department briefs, White House decisions, and the activities of interest groups.

Given the important decrease in coverage the authors find between the 1989–1990 and 1994–1995 terms, it is bothersome that their otherwise informative data on certiorari (Chapter 6) and which decisions are reported (Chapter 7) are limited to the first term. A possible explanation is that they relied on video from the Vanderbilt Television Archive for the first period but only its appendices for 1994–1995.

Perhaps because the book is essentially a compilation of the authors' convention papers, there is no systematic application of the determinants and contents of coverage culled from their interviews with Supreme Court reporters in the early chapters against their subsequent discussion of and explanation for coverage of the *Bakke* and *Webster* cases and of the 1989–1990 and 1994–1995 terms.

The authors conclude with a few unoriginal (but not necessarily undesirable) steps the justices should take to improve coverage. These include making themselves more routinely available to the press, opening their public appearances to press coverage, altering the decisional calendar to avoid massive decision days, and permitting television coverage of the Court.

As for television, Slotnick and Segal seem ambivalent, even contradictory, about the immutability of its formats. They frequently refer to "the inherent strengths and weaknesses of the television medium for covering the Court" (p. 46). But not all of these are inherent: news could last longer, as could individual segments and stories. They blame the decline in the extent and nature of coverage on the "triumph of 'infotainment,'" with the Court failing to meet the standards of newsworthiness in the increasingly commercially driven news industry. (Incidentally, the authors never seem to have asked the television producers for their side of the infotainment accusation). In any event, there is no reason why the Court or at

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least some of its decisions could not be more infotainmentized to appeal to viewers. There could be weekly programs on the Supreme Court, its actions and decisions, and even a Supreme Court cable channel. What about coverage on C-SPAN, PBS, and Comedy Central to mention other possible sources of information, understanding, humor, and revelation about the Court?

DAVID L. PALETZ
Duke University

Green Parties and Politics in the European Union *by Elizabeth Bomberg. New York, Routledge, 1998. 225 pp. Cloth, $75.00; paper, $25.99.*

This book provides an excellent contribution to our understanding of the challenges and opportunities facing green parties and movements within the European Union. Bomberg's thesis is that policy and institutional developments within the EU have provided both an impetus to green activism as well as a surprisingly fertile ground for green objectives to flourish. This presentation includes a concise overview of the evolution of environmental policy in the EU. European integration—a process which had as its main aim economic integration—gradually spilled over into environmental policy making in response to the trade-distorting impact of diverging national-level environmental policies within the member states.

Bomberg's discussion of "green visions" of Europe is refreshingly broad in its theoretical handling of "green politics" as "more than concern for the environment" (p. 6). This wider lens on green theory is crucial to understanding the frustrations and seeming inadequacies of green parliamentarians in the European Parliament (EP). Bomberg elucidates the intertwining of green values and practices in a way that illuminates both: the green parties and movements represent both a "unique set of values (content) and practices (process)" (p. 6). But Bomberg does more than outline the specific values of green politics—a critique of advanced industrial society, an holistic, ecocentric approach, and a global perspective. She also examines the inherent contradictions of these values and practices: how to maintain a process of grassroots democracy while forging transnational coalitions for "strategic coherence and unified collective action" (p. 101) at the EU level. The historical trajectory of internal politics of green members of the European Parliament (MEPs) is reminiscent of the evolution of green politics at the national level: greens can either resist or accommodate themselves to parliamentary procedures—in short, a trade-off between parliamentary efficacy and loyalty to green values and practices. These internal EP dynamics as richly described through the use of interviews and careful reading of newsletters and internal documents of the GRAEL (Green Alternative European Link) and the Green Group of the EP are a highlight of Bomberg's study.

Analysis of policy making in the EU, including discussion of the major institutional developments such as the Single European Act and the Treaty on European Union (Maastricht) further helps to illuminate the evolution of both the role of the EP as well as the impact of this shifting institutional weight on the strategies and practices of the greens within the EP and within the overall EU institutional structure. Bomberg captures the fluid and surprisingly open policy-making process of the EU, drawing special attention to the role

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of outside scientific and technical experts, particularly in the area of environmental policy making. Her discussion traces the path of green policy influence via both parliamentary procedures and extraparliamentary activities, such as organized protests or media-grabbing stunts, thus bringing into focus perhaps the most important contribution of the greens to EU policy making—their impact on agenda setting.

Green MEPs as well as other green actors, such as nongovernmental organizations (NGOs), inspire policy debate within the EU beyond the actual institutional procedures of either the EP or the commission, a process Bomberg labels the "consciousness-raising" aspect of green political activity. Both green NGOs and MEPs have promoted extracurricular events, such as the MEP-sponsored workshops (well over a dozen are noted in Table 6.1, p. 137), which have fostered public debate and awareness on issues such as ecotaxes, biotechnology, and EU energy policy. Greater emphasis could have been given to these consciousness-raising workshops, which brought together "not only prominent Greens but also representatives of industry, academia, trades unions and national governments" (p. 137). Bomberg's own presentation stresses the importance of such networks in the agenda-setting process in EU policy making. More in-depth analysis of these activities would balance out this provocative assessment of the greens' overall impact on EU policy.

The selection of three policy case studies which deal only with specific pieces of environmental legislation is surprising, given Bomberg's more broadly conceived analysis of "green visions" of Europe presented earlier in the book. The greens have brought new ideas and new issues to discussion at the EU level, "alter[ing] the policy orientation of major political actors within the EU and EU Member States" (p. 171). The greens' cultural critiques and procedural concerns regarding, for example, the lack of grassroots democracy within the EU institutional structure, suggest inclusion of policy case studies (such as the in-depth case studies of vehicle emissions, biotechnology, and packaging waste presented in Chapter 7) that could illuminate wider green goals and strategies relative to issues such as enlargement, "Europe of the Regions," or the Maastricht or Amsterdam treaty revisions.

Bomberg's book is a thorough and well-documented study of the evolution of green politics within an ever-evolving process of European integration. Expanding the analysis of green visions beyond key environmental issues is a significant contribution of this study, along with an unusual depth of material regarding internal EP politics. This is an exceptionally rich resource of data to further our understanding of policy making in the EU.

NANCY QUIRK
Indiana University

Entangling Relations: American Foreign Policy in Its Century *by David A. Lake. Princeton, Princeton University Press, 1999. 332 pp. Cloth, $60.00; paper, $17.95.*

David Lake wants to show that his "relational contracting theory" reveals things "we would have otherwise missed" (p. 71) about twentieth century U.S. foreign policy. The goal is modest, and Lake meets it modestly. Relational contracting theory does shed new light on some of his cases, but the insights are hard-won. The theory begins "with the existence of a security threat from a third party and seeks to explain how the members of a dyad choose a particular response" (p. 43). Lake defines security as protection against intentional violence and "the ability to accumulate and allocate wealth free from external coercion" (pp. 21–22).

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The theory explains why polities choose to "produce" security either unilaterally or cooperatively, and why when doing the latter, they structure their cooperation in different ways.

Security cooperation, Lake argues, occurs in a variety of institutional forms, ranging from the most anarchic (alliances), to the most hierarchic (empires). Polities "choose" the one that produces security most cost effectively. Their calculations are shaped by three things: "joint-production economies," the risks of partners' "opportunism," and "governance costs." Joint production economies—the benefits of cooperation—increase when technology makes it easier to project force, when a division of labor is better than parallel efforts; and when partners, by "internalizing" each others' positive externalities, can reduce their overall effort. Opportunism includes the costs of abandonment, entrapment, and exploitation by one's partners. Governance costs are reduced "freedom of action" for both dominant and subordinate partners in a security relationship and the costs to the dominant partner of coercing the subordinate one, if coercion becomes necessary. Into this framework, Lake weaves some arguments about asset-specificity and levels of hierarchy. He comes up with seven separate but interrelated hypotheses that explain the presence and character of security cooperation.

Lake then sets out to explain why the United States chose the security relationships it did after World War I, II, and the cold war. At these crucial junctures, he argues, the costs and benefits of cooperation, and U.S. decisions about whether and how to cooperate varied in ways predicted by his theory. In each instance, Lake argues, the United States chose the optimal way to produce its own security. It never chose wrong: not when it decided to go it alone after World War I; not after World War II when it chose a bilateral alliance with Japan, a multilateral alliance in Europe, and protectorates and empire in the Pacific; and not when it formed UN-backed coalitions in the Gulf War and Somalia.

Skeptics will find many reasons to question Lake's panglossian view of America's choices, but not in his Gulf War case study. Here Lake shows how the Gulf War coalition was made of three tiers of relationships (protectorates, inner-coalition, and outer-coalition) that "unfold like the layers of an onion" (p. 232). They gave the United States the most control over the allies that mattered most, and enhanced U.S. power by providing safeguards against its abuse. In this case, Lake provides important, original insights and proves the value of relational contracting theory. His theory also performs well in the cold war case. It explains why, in the face of the initial communist threat, the United States chose different relationships with different allies and draws our attention to one instance—Micronesia—where the best (if only) choice for the United States was unvarnished empire. But Lake's treatments of the League of Nations and Somalia cases are much weaker.

According to Lake, after World War I the risks of opportunism were too high. Because innovations during the war did "little to alter the ability of . . . off-shore countries to project force over long distances" (p. 98), joint production economies were too low for the United States to rationally commit to the League of Nations. His technology of force projection argument is vague and ignores the most obviously relevant innovation of the war, the U.S.-UK convoy system, which doomed Germany's antishipping strategy and moved over two million American soldiers to Europe between May 1917 and November 1918. But Lake should not have marshaled his complex cost-benefit hypotheses to explain America's "puzzling" rejection of the League. The case is inconsistent with the most elemental assumption of his theory, which "begins with the existence of a security threat from a third party." After World War I, there was no such threat to the United States. There was no security coopera-

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tion. Under torture, Lake's theory complexly explains a case for which it at best provides a trivial explanation or is irrelevant.

If, in relation to Lake's theory, the League decision is a case of nonsecurity noncooperation, then Somalia represents a case of nonsecurity cooperation. Certainly by Lake's definition, famine and civil war in Somalia did not threaten U.S. security. Glossing this basic problem of case selection, Lake overworks his theory again. He argues among other things that "the negligible expected costs of opportunism were an . . . important permissive condition for cooperation" (p. 287). True enough, but the risks of opportunism were low because U.S. security and that of its partners were not at stake. What were the expected benefits that motivated U.S. efforts? Perhaps the United States did choose the best way to cooperate in Somalia, but until we answer that question, it is simply not clear what Lake's theory tells us about the case and why he compares it to cases in which security cooperation was the main issue.

TIMOTHY W. CRAWFORD
Columbia University

Sovereignty: Organized Hypocrisy *by Stephen D. Krasner. Princeton, Princeton University Press, 1999. 264 pp. Cloth, $49.50; paper, $16.95.*

Writing about sovereignty has always been a tricky business. Scholars use the term to refer to a wide range of things, and the principles associated with the concept are routinely violated in practice. As a result, political scientists devoted little attention to sovereignty during the 1960s and 1970s. The most influential research program of the 1980s, known as structural realism and neorealism, presupposed the existence of sovereign states and made no attempt to explain the emergence of sovereignty as a global institution. Growing dissatisfaction with the structural-realist research program sparked renewed interest in sovereignty in the 1990s, whether as a social construct or as a basket of potentially incompatible state attributes. Stephen Krasner played a key role in transforming state sovereignty from a neorealist presumption into an object of sustained inquiry. Thus his new book is particularly noteworthy.

Krasner argues that there are four analytically distinct kinds of sovereignty: international legal sovereignty (whether or not "a state is recognized by other states" and is thereby "accepted as a juridical equal" [p. 14]); Westphalian sovereignty (whether or not "states exist within specific territories, within which domestic political authorities are the sole arbiters of legitimate behavior" [p. 20]); interdependence sovereignty (whether or not a state is able "to control movements across its own borders" [p. 13]); and domestic sovereignty (whether or not rulers have the capacity "to control developments within their own territory" [p. 12]). Very fine lines separate these notions from one another. If international legal sovereignty implies formal recognition and "recognition . . . offers a shield against legal actions taken in other states" (p. 7), then juridical sovereignty would appear to be linked to Westphalian sovereignty. Similarly, if Westphalian sovereignty is compromised whenever outside actors "infringe domestic autonomy" (p. 22), there would seem to be an intimate connection between Westphalian and domestic sovereignty. Krasner nevertheless insists that "these four meanings of sovereignty are not logically coupled, nor have they covaried in practice" (p. 9).

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To back up this assertion, the book explores four issue-areas: foreign intervention to protect religious, ethnic, and national minorities (chap. 3); agreements that promote human rights (chap. 4); the dynamics involved in making loans to sovereign states (chap. 5); and the role of external actors in drawing up domestic constitutions (chaps. 6–7). These chapters demonstrate that Westphalian sovereignty is regularly contravened, sometimes by "contracts" between state officials and outside parties and sometimes through international "conventions" that compel governments to play by externally generated rules.

But do the case studies support the claim that legal sovereignty and Westphalian sovereignty are logically separate and empirically unrelated? Krasner notes that in the area of minority rights, "the most commonly used method of coercion has been to condition recognition on the acceptance of specific stipulations about relations between rulers and ruled in the target state" (p. 74). Likewise with regard to human rights, "in exchange for recognition by Britain in 1826, Brazil agreed to abolish the slave trade by 1830 despite strong opposition from many members of its parliament" (p. 108). In addition, "all of the Balkan states that emerged from the Ottoman Empire in the nineteenth century and all of the new states that were created after the First World War had to concede autonomy to secure international legal sovereignty" (p. 224). So there turns out to be at least one significant connection between international legal sovereignty and Westphalian sovereignty after all: powerful states manipulate juridical recognition in order to gain influence over policy making inside weaker states. Krasner ends up acknowledging this relationship, and even presents it as one of his main findings.

What is most important about the book is not the empirical sections, which suffer from the conflation of contingent/noncontingent state action with involuntary/voluntary action, but rather the fundamental insight upon which it is predicated: "the absence or loss of one kind of sovereignty does not logically imply an erosion of others, even though they may be empirically associated with one another" (p. 24). Keeping different kinds of sovereignty straight is crucial to the study of international relations, whether at the hands of neorealists or constructivists, nonliberal institutionalists, or postmodernists.

FRED H. LAWSON
Mills College

Drug Politics: Dirty Money and Democracies, *by David C. Jordan. Norman, University of Oklahoma Press, 1999. 304 pp. $24.95.*

Despite its title, David Jordan's book is not about drugs, the drug trade, the drug war, or drug policy. Rather, it is about the decline of Christian civilization. Jordan admits he has done no new research on drug-related issues. What he has done is pull together a wide array of published research and analysis. In synthesizing this literature, Jordan claims to have uncovered links between a vast international "synchrony" of drug promoters and traffickers. Members of this synchronic network include, according to Jordan, the BCCI bank, the international financial system, the Italian Radical Party, the Drug Policy Foundation, George Soros, the CIA, the South American militaries, the Andean Commission of Jurists, Human Rights Watch/Americas, the Lindsmith center, the Institute of Policy Studies, the Washing-

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ton Office on Latin America (WOLA), most third world governments, postmodern intellectuals, communists in China and Cuba, and the entire scientific community. These forces have undermined the moral fabric of modern civilization, subverted the Judeo-Christian ethic, shattered American hegemony, eroded democratic accountability, spread countercultural values, and in the process increased drug consumption and drug trafficking. The legalization of needle exchange in Switzerland, the growth of the Cosa Nostra in Italy, the spread of international arms trafficking in Russia, and the emergence of guerrilla insurgency in Columbia and Peru are the consequence.

Classical thinkers such as Aristotle, Machiavelli, and de Toqueville, Jordan claims, understood that the foundation of democracy is religion. Without a religious moral code to ensure public virtue, democracy cannot exist. Yet in the modern world, he warns, religious faith has been undermined, first by Charles Darwin and the teaching of evolution, and later by utopian writers such as Julian and Aldous Huxley, H. G. Wells, and Timothy Leary. Collectively, these counterculture intellectuals encouraged widespread drug consumption, replacing religion with the more literal "opiate" of the people. Leary's efforts, Jordan contends, were financed by the CIA, which was interested "in the mind control of large populations." Later, "the growth of the scientific culture and its merger with the counterculture provided a favorable climate in the United States for promoting drug use and experimentation" (p. 181).

Jordan relies on information supplied by those whose analysis and solutions he disputes. The chapters on the CIA, the Sicilian Mafia, Colombia, Peru, and Bolivia are based almost entirely on the work of Peter Andreas and Alfed McCoy. Yet Jordan rejects Andreas and McCoy's antidrug war conclusions. "Statistics reveal," Jordan insists, "that since most crimes are committed while under the influence of drugs, increased availability and consequent expanded drug use would serve to increase, not decrease crime." He does not give us those statistics.

The harm reduction movement has gained strength, Jordan charges, not because of its convincing research and successful practice, but because it has undermined democracy and, as in Switzerland, won "the support not only of business leaders and the liberal press but also of public health officials, including the Minister of Health and Family Affairs, some police chiefs and family advisors backing the narcotics policy of 'harm reduction,' Mafia fronts and other marginal groups." These forces, he argues "view Switzerland as a . . . first domino" (pp. 48–49).

The corruption of Western civilization has given Third World governments the opportunity to wage a counterhegemonic war. In some countries, such as Cuba, narco-trafficking is used to destroy the United States. In other Third World countries, the ruling elites simply use the drug trade to their own economic and political advantage. In Colombia, for instance, Jordan argues, the "ruling elite," fearing a repetition of the civil war violence of 1948–1958, and concerned about the "J curve hypothesis, decided to allow the drug trade—first in marijuana and later in cocaine—to flourish in order to head off an economic crisis" (p. 167).

The only solution for Jordan is a return to revealed religion, the resurrection of a moral civil culture, the return of American hegemony through a U.S.–led war against narco-traffickers, drug legalization proponents, international financiers, postmodern intellectuals, and their allies.

Since the book is not really about drug politics, it is unlikely to be of much use to the serious scholar or policy analyst. It does, however, provide a glimpse into the mind set of those, in this case the former ambassador to Peru (1984–1986), who have promoted our

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unscientific, unreasonable, and destructively punitive approach to drug abuse and drug abuse prevention.

CATHY SCHNEIDER
The American University

National Collective Identity: Social Constructs and International Systems *by Rodney Bruce Hall. New York, Columbia University Press, 1999. 397 pp. Cloth, $47.50; paper, $18.50.*

There is now emerging a sociohistorical school within international relations. This school assumes that historical contexts like capitalism and modernity shape international political outcomes, and it seeks to identify the forces that constitute and transform those contexts. Rodney Hall's new book must be counted among the significant voices developing this new school. *National Collective Identity* is a book to be noted and wrestled with. It exhibits a keen concern with history and its relationship to theory.

The book sets out to show that foreign policies and international orders are shaped by differences in the way that states and societies are politically organized (or understood to be organized by rulers and the ruled). Princely states, organized as monarchies, operate in the international realm differently from states organized according to the logic of national or even popular sovereignty. Hapsburg Spain plays in the international realm differently from republican France. As a result, different international institutions and norms will prevail in the international realm consistent with one political form or another; and these norms can feed back to legitimate the political organization of the prevailing states. The monarchies of the eighteenth century did not produce international welfare-like institutions such as the United Nations Development Program. Conversely, changes in the system can shape the identity of political communities as new forms of legitimacy are sought and old ones are challenged. The Kaiser system collapses in the age of the twentieth-century nation-state.

Hall explores an incredibly wide swath of European history. From the sixteenth to the twentieth century he weaves in and out of crucial turning points such as Westphalia, the Seven Years' War, the scramble for Africa, World War I, and the collapse of the Soviet Union. Hall has read widely and well in European history and in theories of that history (Joseph Schumpeter, Henry Kissinger, Michael Mann, Paul Schroeder, etc.). However, the arguments in the book would have been far more compelling if Hall had concentrated the historical focus and then drawn some parallels to earlier periods.

Perhaps if the author had done so, he would have noted that the complexity of a period is in part driven by the presence of many forms of international order operating simultaneously rather than just one order, as he assumes. Overlapping orders create tensions that are critical to historical transformation. Hall comes closest to this realization and the book works best when he explores the tension in the nineteenth century between two forms of territorial organization, princely and national.

This is not an easy read. There is no central puzzle to hold on to and tie things together. This makes it hard to care about all the general claims and to discern which ones matter most. The author meanders in and out of history and theory, leaving it to the reader to do much of the hard work of synthesis and assessment. One is sometimes left wondering if some general statement is simply an abstract description of an obvious historical observation: such as institutions can change if they do not suit the interests of relevant actors.

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The book also suffers from the assumption that its big task is to bury realism. Coming out of a dissertation, this hyperconcern with positioning against the once prevailing theory in the international relations field is understandable. But as a book, the emphasis might have been better placed on teasing out a central puzzle about international political history. Leaving us with the message that political identity matters and that this is something the realists miss is not enough. That is good money chasing bad.

ROBERT LATHAM
Social Science Research Council

Technology Transfer, Dependence, and Self-Reliance in the Third World: The Pharmaceutical and Machine Tool Industries in India *by Sunil K. Sahu. Westport, CT, Prager Publishers, 1998. 224 pp. $59.95.*

Sunil Sahu's study is timely. Indian governments have amended legislation restricting transnational corporations. Among international organizations, there is renewed intergovernmental activity on terms for technology transfer and new interest among intergovernmental agencies in intellectual property rights. The World Development Report 1998/1999 argues that the key to development is the global production and distribution of knowledge.

Sahu's study is designed to assess whether dependency theory or bargaining theory better explains India's experience. Sahu skillfully details the impact of government regulation of transnational corporations and collaboration on the Indian pharmaceutical and machine tool industries. He demonstrates that patent regulations and price controls helped to make essential drugs broadly available. He shows that well-conceived technological collaborations aided the machine tool industry. Shortcomings are discussed in each industry, but each is shown to be unusually sophisticated and self-reliant. Sahu argues that dependency theory would not predict such an outcome. He argues that bargaining theory has advantages over dependency theory in explaining both the successes and the firm-specific factors such as technology lags. These are shown to undermine the bargaining power of successful and self-reliant industries in the developing world.

One might distinguish between schools of dependency thought and use Sahu's carefully presented evidence to argue for one of them. The conventional portrayal, which Sahu finds wanting, holds that so-called developing economies are being underdeveloped by the advanced capitalist economies. Others, who might be referred to as dependent development theorists, argue that the economic progress of dependent economies is possible but is subservient to the advanced industrialized economies. The threat of technological dependence led Indian governments to restrain transnational corporations. Indian governments did precisely what Economic Commission for Latin America economists recommended. They erected high tariff barriers, closed the operations of some transnational corporations, tightly regulated others, and developed domestic industrial capacity through the public and private sectors with public funds. Indian economic policy makers, however, have not been mere consumers of dependency theory. Dadabhai Naoroji articulated his "drain theory," an early version of the concept of unequal terms of trade, in 1871. Rajani Palme Dutt argued in 1940 that England had "de-industrialized" India. Jawaharlal Nehru argued for government economic planning, because the British had arrested technological change.

Rather than ask whether dependency theory or bargaining theory can explain India's industrial development and finding deficiencies in each, Sahu's industrial case studies might

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be better used to highlight the effectiveness of each approach. Bargaining was made possible in India because dependency traps were foreseen and some avoided. Even those industries that prospered under import substitution, as Sahu shows, suffered a gradual technological obsolescence. This is in keeping with dependent development thought. Moreover, while dependency theory and bargaining theory present contrasting views of the progressive potential of foreign technical collaboration for developing country industries, they are not conflicting explanations, but rather different heuristic frameworks, operating at different levels of analysis and involving different sets of actors. As long as new technologies are developed in advanced capitalist economies, successful bargaining is consistent with dependency theory.

The considerable strength of Sahu's study is his analysis of policy and technological influences in the development of two significant industries. Sahu advances our understanding of the political economy of a significant developing economy. Appreciating the consequences of technology transfer to India is especially relevant as Indian governments reline the playing fields.

CHRISTOPHER CANDLAND
Wellesley College

Ideas and Economic Policy in Latin America: Regional, National, and Organizational Case Studies *by Anil Hira. Westport, CT, Praeger Press, 1998. 200 pp. $59.95.*

The role of ideas in economic policy making continues to perplex social scientists. While it is relatively easy to argue that ideas matter in explaining the content of economic policy, it is less evident just how they matter and how they should be studied. In this book, the author attempts to construct a theory of economic ideas that he assesses as superior to alternative approaches that focus on international factors, domestic-interest coalitions, state institutions, and class conflict. By focusing his analysis on groups of economists with a shared sense of "mission" and an interest in proselytizing politicians to their perspective, Hira highlights the key purveyors of the ideas that shape policy. If these "economic knowledge networks" maintain hegemonic control over the sources of economic education and face little or no competition from rival schools of thought, they are likely to determine the course of economic policy making.

Hira supports his theoretical observations with evaluations of two periods of economic thinking in Chile. The first is the hegemony of structuralist ideology during the period of import-substitution industrialization, in which the author focuses most of his attention on the developmentalist ideas cultivated by the likes of Raul Prebisch and the United Nations Economic Commission for Latin America and the Caribbean (ECLA). In this chapter, the author presents a somewhat conventional and descriptive account of ECLA's role in fostering state-led industrialization in Chile, particularly during the Eduardo Frei "Revolution in Liberty" (1964–1970) government. In the next chapter, Hira describes the role of neoliberal economists in the authoritarian period (1973–1989). In both cases, the author highlights the activities of key economic officials in government who had backgrounds linking them to an economic knowledge network. The next three chapters highlight the failures of rival schools of thought in both periods and extend on the arguments presented in Chapter One by exploring the Chilean case further in comparison to other countries, particularly Egypt.

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Hira's task is both theoretically and empirically ambitious, but the work falls short of its lofty goals. While he makes quick work of international factor, Marxist, statist, and domestic coalitional approaches in Chapter One by pointing out their inconsistencies, inaccuracies, and complexities, he does not provide a convincing argument that ideational approaches are any more clear, consistent, or parsimonious on balance. Ideational approaches often fail to delineate clearly the causal weight of ideas independent of other factors such as international economic changes and the rational calculations of powerful actors. For example, Hira's analysis of the Augusto Pinochet government and the role of the economists trained at the University of Chicago, who managed Chile's neoliberal reforms, fails to explain why Pinochet delegated economic policy authority to monetarists in the 1970s and later favored a less monetarist approach in the 1980s. The author refers to the Chicago Boys' close connection to conglomerates that in the capital-scarce context of the mid-1970s had growing influence in economic policy making. After the banking crisis of the early 1980s and in the context of popular challenges to Pinochet's rule, the Chicago Boys fell out of favor and policy took a less dogmatic turn. Such analysis suggests that domestic business coalitions, Pinochet's political calculations, and the pressure of opposition groups and not economic knowledge networks accounted for changes in economic policy.

In this regard, Hira's analysis is similar to Eduardo Silva's domestic coalitional argument in *The State and Capital in Chile*, but it is less precise. While Silva's periodization of economic policy change during the authoritarian regime explains the transition from a moderate to radical to pragmatic set of policies, Hira downplays these nuances by congealing them as an "overall continuity of ideas" in the neoliberal frame (p. 99). Such analysis overclaims the relative coherence of economic knowledge networks.

ALFRED P. MONTERO
Carleton College

State Building and Late Development *by David Waldner. Ithaca, NY, Cornell University Press, 1999. 246 pp. Cloth, $49.95; paper, $18.95*

The manuscript for this book comparing Turkey, Syria, Korea, and Taiwan must have left the author's hands before September 1998. We are reminded that the drying up of foreign capital has more than once caused economic and political crisis. The countries whose flawed developmental strategies were affected were Turkey and Syria in the 1970s rather than Korea and Malaysia in the 1990s.

This is an ambitious project; it tells of the origins of institutions and success of strategies for economic development. Development, by which we mean industrialization, requires investment; and in the late twentieth century this is a job for the state. The large investments mobilized by the state must be employed efficiently, and this requires long production runs to capture the relevant economies of scale. The mobilization of investment, Waldner calls a Gerschenkronian dilemma; the efficient use of investment resources to capture increasing returns he calls Kaldorian dilemmas.

High levels of elite conflict create the need for broad coalitions involving side payments to entire social groups, creating cross-class coalitions that are the basis for "precocious" Keynesianism. In Syria and Turkey, dilemmas that Waldner calls Gerschenkronian dilemmas were solved, but due to the size of the side payments made by the state, not those he

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calls Kaldorian. Gerschenkronian dilemmas are those of mobilizing savings and turning them into investments. Kaldorian dilemmas appear to be a somewhat more eclectic mix of solutions that generate total factor productivity that Waldner connects mainly to learning-by-doing and industries that generate increasing returns to scale.

The argument is provocative, erudite, and wide-ranging; it will appeal to social scientists interested in learning more about how Middle East countries look in comparison to those of East Asia. It is a measure of how much the discipline of comparative politics has forgotten its own past that Waldner has to argue about the comparison he wants to make. Thirty-five years ago, Dankwart Rustow argued that Turkey and Japan made an interesting and useful set of comparative cases. Waldner is to be commended for bringing us back to so large a research project.

I am not convinced that the story about total factor productivity and its connection to elite conflict works all that well, however. First, a lot of weight rests on using a statistical residual (with all the measurement error entailed) in conjunction with a hidden variable (elite perceptions of threat). Second, given the very high levels of investment in Korea and Taiwan through mobilizing domestic and foreign aid (U.S. aid of many kinds), saving the Gerschenkronian situation of the Middle Eastern and East Asian countries may not be strictly comparable. Third, by casting the story of productivity in terms of Kaldor rather than in terms of Leibenstein's concept of x-efficiency, Waldner has a theory that assumes that trade drives growth rather than one that allows for the opposite.

Unpopular as it might be with political scientists, there is another argument for the different trade and development trajectories of Korea and Taiwan on the one hand and Syria and Turkey on the other. Comparative advantage reminds us that in 1958 Turkey was a country abundant in unskilled labor and agricultural land. But Korea was abundant in skilled and unskilled labor but not in land; its trade and production profile should therefore look different. There was, of course, one country in the Middle East that looks quite a bit like Korea and Taiwan, although its Keynesianism in Waldner's sense may have been more precocious than Turkey's—Israel. But here too the story is one of constant and high levels of capital imports from the 1930s on, not of total factor productivity.

ELLIS GOLDBERG
Princeton University

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Reference Books and Other Publications of Interest Received

The Encyclopedia of American Parties, Campaigns, and Elections *by William C. Binning, Larry E. Easterly, and Paul A. Sracic. Westport, CT, Greenwood Press, 1999. 480 pp. $99.50.*

Encyclopedia of Violence, Peace, and Conflict (3 volume set) *edited by Lester Kurtz and Jennifer Turpin. London, Academic Press, 1999. 2175 pp. $525.00.*

Encyclopedia of Human Rights Issues Since 1945 *by Winston E. Langley. Westport, CT, Greenwood Press, 1999. 424 pp. $65.00.*

Index to International Public Opinion, 1997–1998 *prepared by Survey Research Consultants International. Westport, CT, Greenwood Press, 1999. 728 pp. $345.00.*

The Statesman's Yearbook 2000: The Politics, Cultures, and Economies of the World, 136th edition, *edited by Barry Turner. New York, St. Martin's Press, 1999. 2024 pp. $120.00.*

Hutchinson Encyclopedia of Modern Political Biography *edited by Hilary McGlynn. Boulder, CO, Westview Press, 1999. 527 pp. $65.00.*

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Correspondence

To the Editor:

Jim Fowler brings together a reasonable chronology of democratization events in South Korea, but his conclusions are erroneous in "The United States and South Korean Democratization," *PSQ* 114 (Summer 1999). This is a classic case of research based on partial materials without the insight of contemporaneous developments or the full dynamics involved and an effort to find a theoretical "cause" in a highly complex situation. As the U.S. Director for Korean Affairs in the State Department in the late 1970s and one of Fowler's sources, I would like to comment.

In the effort to discern a heretofore neglected variable (public comment by the U.S. Government), Fowler's analysis is ingenious but doesn't fully understand the dynamics at the time. He fails to recognize the constant drumbeat of official Carter administration public criticism of the Park government prior to Park's assassination, the "Koreagate" scandal, or, most important, the Carter administration's attempt to remove U.S. combat forces from the Korean peninsula. The combination of these factors had drastically weakened U.S. government influence on the authorities in Seoul by the time Chun Doo-hwan executed his internal military coup and began his march to total power in late 1979.

In the tenuous and fragile political situation existing from mid-1979 until well after the Kwangju incident, U.S. public denunciation had become in most instances counterproductive insofar as it had any influence on those wielding power. In the period from the assassination until General Chun's internal military coup on 12 December 1979, a consciously quieter but even more intensive U.S. effort was made to move the situation toward the greater democratization that all U.S. officials dealing with Korea believed was the desire of the Korean people. However, beginning with 12 December and thereafter, many very sharp and significant public statements were made by the U.S. government and broadcast over Voice of America but not well heard by the Korean public in an atmosphere of significant censorship.

I also take issue with the attempt to characterize "moderates" vs. "hardliners" within the Korean military in 1979–1980. Such individuals as Kim Chae-gyu or Chung Son-hwa could hardly be considered moderates in the context

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Jim Fowler implies, and the basis simply did not exist for somehow encouraging a "moderate" alternative within the military hierarchy at this time.

I would urge those interested in delving into the dynamics and actions of this period in U.S.–Korean relations to look at then Ambassador William Gleysteen's authoritative inside account of developments and their broader context, which was published in November 1999 by the Brookings Institution in Washington as *Massive Entanglement, Marginal Influence: Carter and Korea in Crisis*. Although he was unable to get the State Department to release texts of all relevant documents, Gleysteen was given free access to the full record and his account was cleared in full. A more narrow but equally authoritative account of the same period from a military perspective by former four-star General John Wickham, then commander-in-chief of U.S. forces, of the UN Command, and of U.S.–Korean Combined Forces Command, is being published by the National Defense University Press this autumn of 1999 as *Korea on the Brink: From the 12/12 Incident to the Kwangju Uprising*. These volumes should fill in the gaps, which have led scholars heretofore to surmise or speculate incorrectly from the partial information previously available.

ROBERT G. RICH, JR.
U.S. Ambassador (retired)
Former Director of Korean Affairs, 1977–81

The author replies:

First, I thank Robert Rich for the time he devoted to answering questions and addressing the issues raised in my article. Scholarship benefits greatly when government officials make themselves and their records available to answer questions about our political institutions and their history.

Rich argues that the article does not take into account "the constant drumbeat of official administration public criticism of the Park Government." But that is precisely the point: the United States stopped using public criticism after Park's death and would not return to the use of public criticism until 1987. Rich asserts that the United States increased public pressure after Chun's internal military coup on 12 December 1979, but the diplomatic and academic records both directly contradict this assertion (fn. 107–111 in my article). Given that public criticism was a crucial factor in motivating the Korean government to liberalize in 1987, it is especially important to understand why the drumbeat faded to silence in 1979 and 1980 when many Koreans had high hopes for democracy.

Rich next claims that the "Koreagate" scandal and Carter's aborted attempt to withdraw U.S. ground troops reduced the capacity of the United States to influence the Korean government in 1979. But in spite of these incidents, Korean government officials reacted strongly to United States public pressure in the events that led up to Park's assassination (fn. 101–105). Ambassador Gleysteen himself even drew a direct connection between U.S. public pressure and Park's death. Clearly the United States still wielded influence.

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Rich further asserts that U.S. public pressure in 1979–1980 was actually "counterproductive." Unfortunately, Rich supplies no examples of counterproductivity, and I have not encountered any; so it is difficult to evaluate the claim. Even if we assume that public pressure had a counterproductive direct impact on hardliners in the government, Rich neglects the indirect impact public statements can have. In both 1979 and 1987, public pressure catalyzed the radical opposition and emboldened moderates who believed that the United States would support their efforts to transform the Korean government. These groups in turn put pressure on hardliners. Thus, while public pressure undoubtedly increased the frustration level for Rich and his colleagues in their personal relationships with members of the Korean government, it also increased the power of domestic actors who sought a transition to democracy.

Rich also objects that Kim Chae Kyu and Chung Son Hwa should not be classified as reformers. But Rich misunderstands the model (in fact, Rich writes "moderates" where he should have written "reformers"). We should remember that the distinction between reformers and hardliners is context dependent. Prior to 1979, Kim may have taken many hardline positions, but in 1979 he supported conciliation after the Pusan riots. Kim was motivated to shoot Park because he thought that he and other reformers who supported conciliation were in danger of being ousted by hardliners like Cha Chi Chol who supported the use of force. Similarly, after Park's death Chung presided over a military that tolerated an interim civilian government that was initiating liberal reforms. It was precisely this toleration that hardliners like Chun acted against on 12 December 1979. Ambassador Gleysteen himself notes that after the purge of Chung and other military leaders, reformers in the Korean military were "virtually nonexistent."

Finally, Rich asserts that the article is erroneous because it is based on partial materials and attempts to uncover causal factors in a complex situation. But does this leave room for scholarship at all? No one (not even Gleysteen or Wickham) has access to full information, and we are all trying to understand that same complex phenomena. In essence, Rich rejects the article because of "missing" information, but he does not tell us specifically what we might discover in other sources that would change the findings. Instead, Rich refers us to Ambassador Gleysteen's book, which he claims will be based on the "full" record. However, that record apparently will not be made public, eliminating a common scientific requirement for the advancement of knowledge: independent confirmation. With that in mind, both Gleysteen's and Wickham's books should be read with care, since they undoubtedly have an incentive to present their historical decisions in the best possible light.

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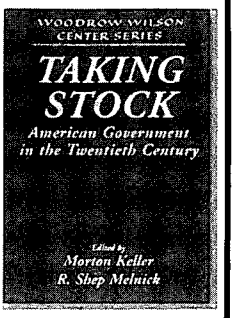

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